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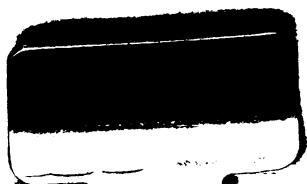
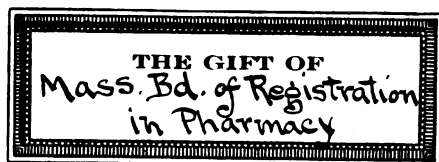
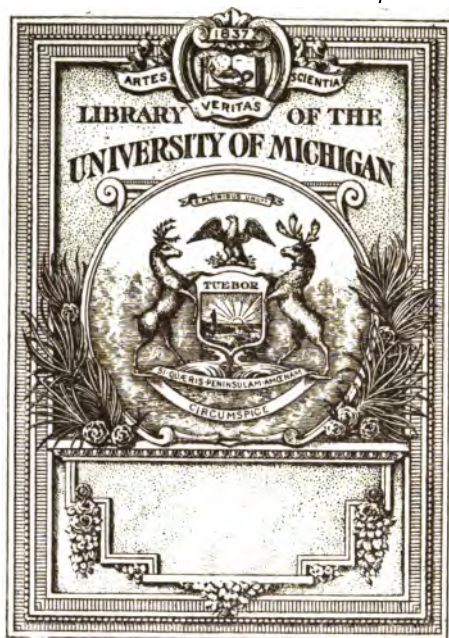
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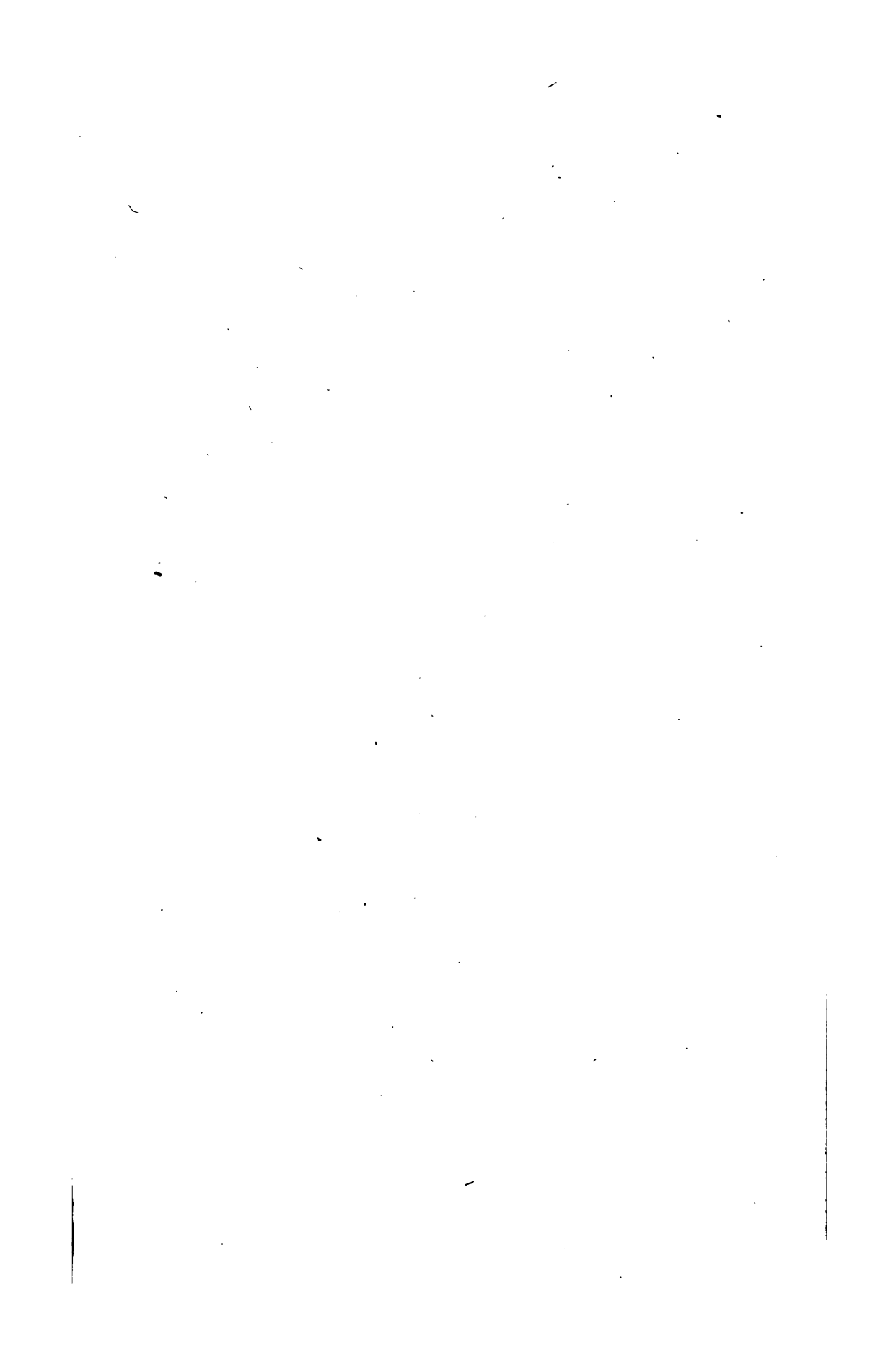
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UNIV. OF MICH.

OCT 18 1909

ELEVENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION  
IN PHARMACY

FOR THE YEAR 1896.

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BOSTON:  
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
18 POST OFFICE SQUARE.  
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# Commonwealth of Massachusetts.

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## REPORT.

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Boston, Oct. 1, 1896.

To the Honorable ROGER WOLCOTT,  
*Acting Governor of the Commonwealth.*

SIR:—In submitting to your Honor this, the eleventh annual report, from the Board of Registration in Pharmacy, we present briefly such facts and data as will exhibit the work of the Board. If fuller details are desired they will be furnished from the records of the office.

The efforts made by the Board in 1895 to carry out the intent and purpose of the law of 1894, relating to the granting of liquor certificates to druggists, the suggestions and requests in our last report for such changes in the law as would make the intent and purpose more definite and effective, caused much discussion by the press and the Legislature from January to May, 1896. In view of the very general depression of business, the misunderstanding and at times malicious misrepresentation of the efforts of the Board were most unfortunate, and may prove in their results a loss rather than a gain to reputable pharmacy. While there has been progress in the educational and skilful conduct of drug stores as a class, and every city and many towns have what may be considered a strictly reputable and absolutely reliable pharmacy, there are also many so-called drug stores that are unreliable, hazardous, a source of much that is evil, demoralizing, and a menace in any community. Many stores of this class were, and some are now, owned and controlled by ex-saloon keepers and others who employ a registered pharmacist who has an interest on paper only, or at best a nominal investment, thereby largely increasing the number of drug stores beyond any legitimate demand, and in too many cases forcing a resort to illegitimate pharmacy.



The sale of domestic and proprietary medicines, harmless, useless and poisonous, by grocers, dry goods, fancy goods, department and other stores, is also a hindrance, as they are allowed to dispose of their goods, poisonous and otherwise, without the restraint imposed upon a registered pharmacist. These conditions are formidable and serious and prevent the progress of reliable pharmacy and the protection of the public. The dispensing of drugs, medicines, chemicals, pharmaceutical preparations and very many of the so-called domestic remedies, outside of drug stores, simply and heedlessly as they would sell a paper of pins or a roll of tape, may be a convenience, but is of necessity a hazard to the people, a wrong to the educated pharmacist, a fraud upon honorable responsible and protecting lines of public service, and oftentimes a serious injury as well as a loss of time and money to the unsuspecting purchaser, who is led to believe a pill is a pill, a medicine of any kind is the best of its kind and exactly what is required. If it were possible to confine the sale of drugs, medicines, chemicals and poisons entirely to the registered pharmacist, as in some countries and several of the States, prohibiting the peddling from house to house and the indiscriminate vending of the worse than useless nostrums, a great public good would be accomplished, and progress in pharmacy would rapidly assume a higher plane of safety and service. During the past ten years there have been such changes in the art of manufacturing and dispensing, in methods of administration of medicines and in surgical appliances, that the reputable family drug store is required to carry a much larger and more varied stock than ever before. To meet the demands for the many new and constantly increasing developments of science and pharmacy requires closer attention and a much higher grade of pharmaceutical intelligence and skill, that errors may be avoided by the detection and rejection of remedies made worthless by time, exposure or chemical change, involving a larger investment, very much smaller margins and a greatly increased expense account.

During the year closing Oct. 1, 1896, 42 meetings of the Board have been held, for the examination of 575 applicants for certificates of registration in pharmacy, as follows: —

## EXAMINATIONS.

					Examined.	Registered.	Refused.
<b>1895.</b>							
Oct.	1-3,	.	.	.	36	3	33
Nov.	12-14,	.	.	.	44	8	36
<b>1896.</b>							
Jan.	7-9,	.	.	.	41	11	30
Jan.	21-23,	.	.	.	39	5	34
Feb.	12-14,	.	.	.	41	14	27
March	3-5,	.	.	.	41	10	31
March	17-19,	.	.	.	41	6	35
March	31, April 1, 2,	.	.	.	46	10	36
April	14-16,	.	.	.	45	8	37
May	5-7,	.	.	.	42	8	34
May	26-28,	.	.	.	40	5	35
June	9-11,	.	.	.	40	7	33
June	23-25,	.	.	.	46	13	33
Sept.	8-10,	.	.	.	33	2	31
Totals,					575	110	465

During the year, of the 110 who received certificates, —

18 passed on the 1st examination.

10	"	"	2d	"
28	"	"	3d	"
22	"	"	4th	"
12	"	"	5th	"
6	"	"	6th	"
3	"	"	7th	"
3	"	"	8th	"
1	"	"	9th	"
1	"	"	10th	"
2	"	"	11th	"
2	"	"	13th	"
2	"	"	14th	"

As exhibiting the reason of so few passing the Board, we present the age and rating of 5 applicants. We require 200 out of a possible 300 : —

1. Age, 23; oral, 40; written, 23; drugs, 45; total, 108.
2. " 37; " 40; " 42½; " 25; " 107½.
3. " 35; " 40; " 36; " 40; " 116.
4. " 35; " 00; " 16½; " 15; " 81½.
5. " 20; " 40; " 32; " 15; " 87.

As compared with the above, we give a rating made at this same examination, —

Oral, 70; written, 78; drugs, 80; total, 228,

plainly showing how many, totally unprepared, would, if permitted, open drug stores.

That pharmacy is still considered by many applicants for registration simply a business of buying and selling drugs, attended by no personal obligation or hazard, requiring little if any study or practical experience, is clearly shown by the following answers, made to simple questions, which are given verbatim: —

“Blue Mass is made with conserve of roses and mild chloride of mercury.”

“Hydrarg. cum Cretae is mild chloride of mercury and chalk,” and not until the applicant was shown the United States Pharmacopœia would he admit his error.

“The official drug obtained from the hog is lard, and is done by heating the abdomen.”

“Cocaine is from the same tree we get O1. Theobroma from.”

“Lactic acid is from lemons and limes.” Reflecting a moment, said, “I think it is an animal acid; don’t know what animal.”

One applicant, twenty-four years old, claiming four and one-half years of experience, received a rating of  $58\frac{1}{2}$  out of a possible 300, calling aromatic spirits of ammonia “hair oil,” and Dover’s powder “pipe clay.”

“Ejusdem means infusion.”

“Camphor gum is obtained by distilling the oil which runs from the camphor tree,” and “opium by distilling poppy heads.”

“Cocaine, cocoa butter and cocoanut oil, all come from the seed of the same plant.”

“Oleic acid is something from the animal kingdom.” Could not explain the difference between analysis and synthesis.

“Jalap is an oleo resin.”

“Forty per cent. of ipecac in Dovers powder.”

“Twenty to thirty per cent. of quinine in cinchona bark.”

“Picra is used in coffee.” “Thirty per cent. of opium in laudanum.”

“To get one grain of opium, give fifteen drops or twenty minims of laudanum.” “Aloes are a gum and can be picked from trees.” This man had been engaged by a saloon keeper to open a drug store if he passed the Board and got a certificate.

“Spermaceti, white wax and parafine come from petrolatum.” Could not tell the source of yellow wax.

“Galls are a fruit like nuts.”

“Forty drops of alcohol in a fluid drachm.”

“Sudorifics sooth the parts applied to.”

“Croton oil is a volatile oil by destructive distillation.”

“Galla is obtained from galls by distillation.”

“One drachm of paregoric contains one grain of opium.”

“Petrolatum is drawn from wells like water, with buckets.”

“Bi means half; proto, six times as much as bi; sub means half.”

“Nut galls are argols, a fruit from plants; both the same thing and from the same tree.”

“Sulphur lotum is made by action of iodine on sulphur.”

“Aloes are from the seed of a plant.” This candidate had not the slightest knowledge of mathematics, it being utterly impossible for him to figure the strength of any preparation.

“Nut galls are a secretion from some animal, don’t know what animal.”

One who had been before the Board ten times, and had not obtained a certificate, writes, as the difference between sugar of lead, white lead and litharge: “Sugar of lead comes in crystals and is used in pharmacy; white lead is used more to paint your house and barn with; litharge is a by product obtained in the manufacture of soap and glycerine.”

“Pro in pharmacy means fourth combination.”

“A soporific is anything that will make soap.”

*Financial Statement.*

Oct. 1, 1895, amount in hands of State Treasurer, . . . .	\$230 15
Received during the year from applications, . . . .	\$2,081 00
Received during the year from duplicate certificates, . . . .	6 00
	<u>2,087 00</u>
Total for the year, . . . . .	\$2,317 15

Drafts for the year have been made as follows:—

	Services.	Expenses.
H. M. Whitney, . . . .	\$187 50	\$97 91
F. H. Butler, secretary, . . . .	557 50	210 50
John Larrabee, . . . .	205 00	43 81
A. K. Tilden, . . . .	62 50	4 00
John A. Rice, . . . .	195 00	230 36
	<u>\$1,207 50</u>	<u>\$586 58</u>
		\$1,794 08
Vox Populi Press, printing questions, . . . .	\$12 75	
Dunton & Potter, printing questions, . . . .	8 00	
J. L. Fairbanks & Co., stamped envelopes, etc., . . . . .	27 80	
M. P. Bihler, monitor and clerical work, . . . .	111 00	
F. H. Butler & Co., . . . .	31 33	
C. F. Hatch, rolls for certificates, . . . .	2 00	
Wright & Potter Printing Company, stamped envelopes and printing, . . . .	20 52	
		<u>213 40</u>
Balance, . . . . .		309 67
		<u>\$2,317 15</u>
Cash in hands of State Treasurer, . . . . .		\$309 67

*Liabilities.*

Examinations not made, . . . . .	\$246 00
Engrossing certificates (estimated), . . . .	10 00
	<u>256 00</u>
Leaving a balance of . . . . .	\$53 67

## DEPARTMENT FOR ENFORCING THE PHARMACY LAW.

The administration of this branch of our work during the year has been extremely difficult, requiring thorough and careful investigation, as the complainants in several instances were reputable and law-abiding pharmacists of long experience, having at large expense themselves complied with the law by employing one or more registered assistants, who were forced to compete with new stores conducted with only

one registered pharmacist, and that one absent too long a time and too often. In many complaints of this character it was found the store complained of was opened with the full purpose of doing a liquor business, and the failure to obtain a liquor certificate, or, if obtained, the comparatively small amount of liquor that can be legally sold, induced a general neglect of the business and consequent lack of personal attention also required by law.

By persistent efforts it is hoped this class of drug stores will in time be closed; but the difficulties named on page 13 of our tenth annual report, and which we tried to have corrected by the proposed legislation, still exist, and until corrected will prevent rapid progress.

During the year twenty-two formal complaints have been made by our agent for the action of the Board, thirty-eight complaints in writing have been received and many verbal complaints have been made at the office, most of which were of sufficient importance to investigate. In the summary of the agent's report will be found several cases of interest, to which special attention is called.

In connection with this department of our work (enforcing the pharmacy law) fifteen special meetings have been held by the full Board, and four certificates of registration in pharmacy revoked altogether; two were suspended for six months each, one for nine months, one for twelve months and one placed on file with reprimand.

In one of the above cases of revocation action was delayed for sixty days by special request, as it was claimed the imprisonment of ninety days had been of such corrective influence and service that reformation was absolute and the man could be saved; but the habit of selling and drinking was too strong, and the Board were forced to apply the full penalty of absolute revocation.

We have remaining on file, awaiting developments, the following cases: —

A man and his wife, both registered as required under the law of 1885. At their trial in the police court they both promised their certificates of registration in pharmacy should not be used again, and the cases were placed on file. They refused to give up the certificates.

Two cases that were fined one hundred dollars each in the lower court, but failed of conviction in the superior court.

One case that failed of conviction in the lower court.

One case where the defendant pleaded guilty to the charge, but, owing to a technical point of law, was discharged.

One case where the defendant has left the State.

One case depending upon the conviction of above.

Five cases awaiting action of courts and the Board.

*Financial Statement from Oct. 1, 1895, to Oct. 1, 1896.*

Services of the Board, including daily attendance and records of the office, . . . . .	\$460 00
Expenses of the Board, . . . . .	124 03
Special duties of the president, . . . . .	150 00
Miscellaneous, . . . . .	33 33
Clerical and stenographic services, . . . . .	164 00
S. B. Harris, agent, services, \$560, expense, \$333.30, . . .	893 30
Total, . . . . .	<u>\$1,824 66</u>
Vouchers in detail at Auditor's office.	

LIQUOR CERTIFICATE DEPARTMENT.

The law requires the Board to issue a certificate by which a registered pharmacist may obtain a sixth-class license, provided the Board can say he is a proper person and the public good will be promoted. In some cases where the liquor certificate has been granted and a license to sell intoxicating liquor secured gross and flagrant violations of the law followed. To secure a conviction in court for such offences is not a part of our work, and we appreciate fully the difficulties under which local officials labor in securing such evidence as will convict. To meet this condition it was proposed last year that the Board should have authority, after an investigation and proper hearing, to revoke the liquor certificate, which would also revoke the sixth-class license, and in this way enforce a rigid observance of the provisions of the license. It was not proposed nor suggested that the revoking of the liquor certificate should affect the certificate of registration as a pharmacist, but it was made to appear that such was the purpose of the Board. It was also represented that re-registration once in two years meant re-examination, when, in fact, it meant simply a *renewal* of certificates; and the advantages of a biennial renewal must be apparent to all who have any interest in the progress of pharmacy.

That the Board was established for the elevation and protection of reputable pharmacy, the protection of the people from incompetent and reckless dispensers, and that such has been the purpose and effort of the Board, are recognized facts.

In response to the popular demand of the people, that some of the most disturbing conditions which have brought discredit to the pharmacist, a detriment to the cause of temperance and morals, should be corrected, power was given the Board to enforce the pharmacy law and to have also a limited control of the liquor selling in drug stores. The Board are in no sense seeking police duties; but if, in addition to the original work placed upon them, the Legislature year by year adds to their duties, and if they are expected to regulate and control the sale of intoxicating liquor in drug stores, is it not wise that the laws should be made more effective? We have reason to believe that in some instances, where we have refused the desired certificate, liquor is sold, sometimes with great care and judgment, sometimes without care and in direct violation of law. This condition exists in some localities where no sixth-class licenses are granted, the officials evidently preferring to take the chances of *no* license rather than refuse one or more of a doubtful character or reputation. In such localities there can always be found those who feel they will be protected by the officials, as they use great care and discretion and are willing to take the chances, others who are not willing to take any chances, and still others who strive to make sales enough to cover the risk. In several no-license places, where these conditions exist, we have had many serious complaints, and it is almost impossible to correct the evil, as we are made to appear as antagonizing the officials if we take any action.

*Liquor Certificates to Druggists.*

Applications received from Oct. 1, 1895, to Dec. 1, 1895, to expire May 1, 1896, . . . . .	43
Applications received from Jan. 1, 1896, to Feb. 28, 1896, to expire May 1, 1896, . . . . .	19
	<hr/>
	62
Granted, . . . . .	44
Refused, . . . . .	18



## 12                    REGISTRATION IN PHARMACY.                    [Jan.

Applications received from March 1, 1896, to Oct. 1, 1896, to expire May 1, 1897, . . . . .		1,158
Granted, . . . . .		1,020
Refused, . . . . .		138
Total number of applications for the year, . . . . .		1,220
Total number of certificates granted, . . . . .		1,064
Total number of certificates refused, . . . . .		156

Since our last report a complete canvass of the city of Boston has been made and every drug store visited by our agent. A similar canvass is now being made by him of all the towns and cities of the Commonwealth.

During the year we refused about one hundred or more applications for certificates to persons who had failed to comply with the law in making legal entry and proper record of sales; but, upon receiving a written promise for the future that all sales should be recorded and a strict conformity to the law maintained, nearly all were granted certificates.

From such data as the Board have been able to gather, the sale of intoxicating liquors in the drug stores of the Commonwealth has during the past year been reduced not less than two-thirds, as an average, and in some localities a greater reduction has been made. The work has been attended with some friction and open hostility, but we know our efforts have met with the hearty approval of reputable pharmacists and the endorsement of the law-abiding people of the State.

Fifty sessions of the Board have been held for the purpose of passing upon applications, and impartial hearings have been given in every case where the justice of a refusal has been questioned. In several cases where the reputation of the drug store has been notoriously bad, and in others where the opening of a new store indicated a probable liquor business, we have required some assurance, either by delay in granting, that a record might be made, or satisfied by facts, that our action in certifying to "proper person and public good" had some data to stand upon.

In one city, if not more, where the officials, it is claimed, do not enforce or even make an attempt to check the violation of law in the sale of liquor by druggists, individuals or

an organized body have employed detectives or spotters from outside the State, and sworn testimony has been given of a most reckless and demoralizing condition.

Earnest appeals are made to the Board for aid and assistance in work of this kind, and the statements of facts are so strongly and forcibly presented that we are compelled to admit the probable validity of the charges; but we have never felt that it was, under the law, our duty to attempt detective or special police work, and certainly we have no such desire. We must admit, however, that there are existing conditions in several cities and towns where, by the abuse of the sixth-class license, the sale of intoxicating liquor is such an injury to the public that any proper means would be justifiable in an effort to stop it. Reputable, law-abiding pharmacists are suffering seriously by the acts and conduct of such stores, and progress in pharmacy under such conditions can hardly be expected. Can relief be given?

*Financial Statement from Oct. 1, 1895, to Oct. 1, 1896.*

Services of the Board, including daily attendance and records of the office, . . . . .	\$1,565 00
Special duties of the president, . . . . .	600 00
Expenses of the Board, . . . . .	436 24
Miscellaneous, . . . . .	182 27
Clerical and stenographic, . . . . .	480 00
S. B. Harris, agent, services, \$742.50, expenses, \$486.59, . . . . .	1,229 09
Total, . . . . .	<u>\$4,492 60</u>
Vouchers in detail at Auditor's office.	
Received for liquor certificates, . . . . .	\$1,262 00
Returned to rejected applicants, . . . . .	\$198 00
Paid to State Treasurer, . . . . .	1,064 00
Total, . . . . .	<u>\$1,262 00</u>

CONCLUSION.

In no way can a clearer and more definite statement or illustration be presented of our work and its results than will be found by a review of our several annual reports.

The examination department, for which the Board was originally established, has never been an expense to the State, but has been conducted by personal sacrifice of each

member, his bills being made, not for full time of services rendered, but to come within the fees received after paying all other expenses, such as printing, postage, etc. The secretary of the Board, in the performance of his duties, is obliged to give many days' service in correspondence, records and preparation for this department, in addition to the days of examination.

The enforcement of the pharmacy law, the granting of liquor certificates and the administration of the poison law have been placed under the special supervision of the Board. To keep an accurate rating of about two thousand drug stores, to investigate all complaints, prepare and arrange all the applications for the liquor certificates (which, on account of changes, come in every week during the year), the general charge of all duties excepting the examinations, require daily attendance at the office, and have been made the duty of the president of the Board.

It is again suggested that the several departments of our work, the granting of certificates for registration in pharmacy, enforcing the pharmacy and poison laws and the granting of liquor certificates, be merged in one account, and an annual appropriation be made, covering all.

If these varied duties are to continue, the work should be well done, and with the appropriations as now made it is an impossibility. More prompt and rigid investigation should be made, by the permanent employment of an agent whose whole time should be given to the work. The members of the Board should receive such just compensation as the duties and responsibilities demand, and devote as much time in an exhaustive investigation as may be required.

Respectfully submitted,

H. M. WHITNEY.  
F. H. BUTLER.  
A. K. TILDEN.  
JOHN LARRABEE.  
JOHN A. RICE.

## AGENT'S REPORT.

---

Boston, Oct. 1, 1896.

*To the Board of Registration in Pharmacy.*

GENTLEMEN: — In presenting to you my annual report, it seems that a lengthy account of the work performed under your orders is unnecessary, as monthly reports have been made to you, giving all the important details during the past year.

The work performed under instructions of the Board has taken me to every portion of the Commonwealth and to some cities and towns several times, so that I have had an opportunity to observe whether our labor has been in vain or some good has resulted, and I am happy to state that a marked improvement has been made in the right direction. During this year not so many complaints have been made of criminal violation of the pharmacy law as were made during the year 1895, nor as many complaints to the Board during the year just closed as were made the year previous. A comparison of the statistics of 1895 with the statistics of 1896 bears out this statement; and, as the impostor and bogus druggist are driven out of the pharmacy business, so will the profession take a higher standing in the community. In several instances violations of the pharmacy law have been corrected by simply calling them to the attention of the druggist, who rectified them at once. This has always been more desirable than to resort to prosecutions, which have only followed in cases of flagrant violations, where forbearance had ceased to be a virtue. One thing has become apparent, — the back room is no longer a loafing place for those who have not quite the courage to stand up to a bar and “take it straight.” Another noticeable feature is that the quantity of spirituous liquor bought at wholesale has greatly dimin-

ished, and the legitimate pharmacist sees respectability returning. But there is work to be performed on the part of the druggists of Massachusetts in order that the ideal standard may be obtained; and by their co-operation with the Board of Pharmacy, assisted by the local authorities, their expectations will be realized.

I might state the work accomplished, giving particulars of various prosecutions, time taken up in attending court, etc.; but the details have all been laid before you, the results are set forth in the recapitulation, and results are of more interest to the public and ourselves than much writing or speaking.

Many stories might be told of the various ways and means taken to evade the law by those who have no conception of legitimate pharmacy, — of grocers, stable keepers, saloon keepers, milkmen and others who heretofore embarked in the drug business without any pharmaceutical qualifications whatever. But the charms for them are gradually disappearing, and drug stores operated in Massachusetts without being under the supervision of registered pharmacists have become a thing of the past.

In order to give the public and pharmacists an idea of the qualifications of some pretended druggists, who only serve to degrade the profession, having opened so-called drug stores prior to the enactment of the law of 1893, which made it a criminal offence to expose drugs, medicines, chemicals and poisons without being under the supervision of a registered pharmacist, and who by various devices have tried to maintain the same without conforming to the law, until by repeated prosecution they were forced to abandon the business, the following may be interesting.

In the city of —, a man by the name of — first made his appearance in the police court charged with having in his possession milk not up to the standard. He was a milkman. Presently he opened a drug store and commenced business. Complaints came to the police department and to the Board of Pharmacy, setting forth that this store was a rum shop; prosecutions followed; charges of violating the liquor law were preferred. Upon inspecting the premises, the agent found displayed a certificate of registration belonging to a registered pharmacist who owned and supervised a drug store

located in another town. A criminal complaint was made against Mr. —, charging him with unlawfully keeping and exposing for sale drugs, medicines, etc., and he was arrested. In the mean time a formal complaint was made to the Board of Pharmacy against the owner of the certificate of registration. He was summoned before the Board and dealt with accordingly; but the former milkman kept his store open without any registered person connected therewith, and claimed the right to do so by displaying a placard, printed in large type, "*No drugs or medicine sold here.*" However, this attempt at evasion of the law did not protect the offender. The officers of the law still had an eye on his place. Another prosecution followed, and a short time ago the milkman gave up the pharmacy business, which had become very uncongenial, and embarked in horse trading.

Perhaps it would not be amiss to narrate the experiences of one or two so-called druggists, giving a report of the manner in which they have conducted their business, together with their records and the sudden termination of their careers. Names and places are omitted, but all statements made may be verified by the records at the office of the Board of Registration in Pharmacy.

In January, 1896, a variety show was billed to give performances in the town of — for one week. Upon the opening night the manager, in company with one of the *attachés*, started for the hall. On the way the manager stepped into the drug store of Mr. — to leave some hand bills. As the manager was leaving the store the druggist said, "Won't you have something to take?" The reply was, "I am not drinking now." But the druggist said, "I have something here that won't hurt you; have some." Thereupon a hot drink was prepared for the manager, who drank the beverage. When the curtain arose the manager had not arrived. He, however, appeared later upon the scene of action, but his condition was such that a quarrel ensued, the outcome of which was sufficient to disband the organization. The manager drifted back to the drug store and disappeared from view until about eleven o'clock the following forenoon. After appearing for a short time at the hotel where the troupe had engaged rooms, he vanished again within the alluring precincts of the drug store, and

nothing was heard of him until about midnight, when a boy messenger from the store called upon the landlady of the hotel, informing her that "The man who belongs to that troupe is unconscious in the back room of our drug store, and we cannot arouse him." The landlady put on her outside garments and hastened to Mr. —, who is clerk of the district court, and informed him in regard to the matter. The clerk immediately hunted up the police officers, giving them the information, and they repaired at once to the drug store in question. Upon meeting the druggist the inquiry was made, "Is Mr. — here in your store?" "No," was the reply; "I requested Mr. — and Mr. — to take him to the hotel, and they have done so." Upon the officers inquiring at the hotel, they learned that the manager had not appeared. The officers thereupon interviewed the two men referred to, who replied, "We know nothing about the affair," and accompanied the officers in their search for the man in question. While the officers were on this wild-goose chase, the manager was removed from the back room and laid upon a snow bank upon the side hill at the rear of the store, the man who assisted telling his wife, on reaching home, what they had done. His wife, who immediately realized the situation, replied to her husband, "Why, that man will be frozen to death before morning. If you don't report this case to the police officers, I will." Thereupon her husband told the facts to the officers, who, on arriving at the place where the manager had been left, found that he had disappeared, but traces in the snow plainly indicated that he had been dragged to a building in process of construction, with no doors or windows, and deposited upon the floor, where he was found unconscious, with life nearly extinct. He was taken to the hotel, a physician was summoned, and it took the remainder of the night to restore him to consciousness, and two weeks elapsed before he was able to leave town.

This case was thoroughly investigated, and a formal complaint was made to the Board by their agent, together with the record of the druggist in question, which is as follows: His first appearance in court was on Nov. 9, 1886, charged with the illegal keeping and exposing for sale of intoxicating liquors. He pleaded guilty, and paid a fine of fifty dollars.

On Nov. 15, 1895, he appeared before the court charged with assault and battery, pleaded guilty, and paid a fine of forty dollars. On Nov. 22, 1895, he appeared before the court charged with keeping and maintaining a common liquor nuisance, pleaded guilty, and paid a fine of one hundred dollars. On Feb. 25, 1896, he appeared before the court charged a second time with keeping and maintaining a common liquor nuisance, and received a sentence of four months' imprisonment and a fine of one hundred and twenty-five dollars. After his discharge from prison, on June 26, 1896, he was summoned to appear before the Board of Registration in Pharmacy, to show cause why his certificate of registration in pharmacy should not be suspended or revoked altogether; and after hearing all the facts, the Board revoked the same altogether, thereby relieving the community of another drug store in name but in reality a rum shop in disguise.

Another so-called druggist, by the name of —, lived in the city of —. He was formerly a man of good address and appearance and had many friends, but of late years he had become a victim of intemperance, and for days at a time was intoxicated at his place of business. Next he took to gambling, and finally his drug store became a liquor nuisance. Complaints came to the Board, as you well know, setting forth that this man was intoxicated at his store, and the question was asked, "Cannot the Board revoke his certificate of registration? He is incapable of dealing in poisonous medicines in his present condition." But the Board had to reply to the complainants, "There is no law whereby the Board of Pharmacy can suspend or revoke a certificate of registration in pharmacy for drunkenness." And so the matter went on. One day the deputy chief of police of this city, in company with your agent, visited this store, only to find the druggist in question intoxicated to such an extent that he assaulted the officer, and it became necessary to arrest him. After his release from custody the place was raided several times, conviction followed, and finally he was convicted in the superior court and sentenced to three months in the county jail and a fine of one hundred dollars. Formal complaint was made to the Board, as the records show; and on May 11, 1896, his sentence having expired, he was summoned to appear before the Board of Registration in Pharmacy, to



show cause why his certificate of registration in pharmacy should not be suspended or revoked. He appeared before the Board, represented by able counsel, and pleaded guilty to the several charges; but the counsel asked a continuance of the case for sixty days, to see if the defendant would not be able to conquer his cravings for strong drink. He could not, however, resist the temptation, and returned to his habits of intemperance. Therefore, at the expiration of the sixty days, the Board revoked his certificate altogether.

*Recapitulation.*

Number of visits to cities and towns, . . . . .	327
Number of drug stores inspected, . . . . .	1,733
Number of criminal complaints made to local authorities, . . . . .	33
Number of druggists prosecuted and convicted, . . . . .	29
Amount of fines imposed, . . . . .	\$2,850
Number committed to prison, . . . . .	8
Number of months served, . . . . .	28
Number of complaints made to the Board and investigated, . . . . .	170
Number of formal complaints made to the Board, . . . . .	22
Number of drug stores closed, . . . . .	60
Number of drug stores found doing business without any registered person connected with the same, . . . . .	12

During the year just closed, visits have been made to nearly every drug store in the State, and with few exceptions I have had the pleasure of meeting the proprietors, thereby becoming better acquainted with them; and for their assistance and courteous treatment I herewith extend my gratitude.

To the officers of the law who have assisted the Board in the enforcement of the pharmacy laws, with many of whom I am personally acquainted, I desire to extend my thanks and kind appreciation of their services.

In conclusion, I wish to testify to the honest efforts put forth by the Board of Pharmacy to correct the abuses, and the endeavors made by them to elevate the business of pharmacy throughout the Commonwealth.

Respectfully submitted,

SIMON B. HARRIS.





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. . . . No. 39.

UNIV. OF MICH.

OCT 18 1909

TWELFTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION  
IN PHARMACY

FOR THE YEAR 1897.

BOSTON :

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
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# Commonwealth of Massachusetts.

## REPORT.

BOSTON, MASS., Oct. 1, 1897.

To the Honorable ROGER WOLCOTT, *Governor of the Commonwealth.*

SIR:—As required by section four of the pharmacy act, we submit to Your Excellency our twelfth annual report for the year Oct. 1, 1896, to Oct. 1, 1897.

The condition of pharmacy to-day, in its commercial and financial aspects, continues to be environed with difficulties, as stated in our last report. The professional, educational and moral conditions have improved.

During the year forty-one days have been given to examinations, as follows:—

### EXAMINATIONS.

		Examined.	Registered.	Refused.
<b>1896.</b>				
Oct.	6-8, . . . . .	40	7	33
Nov.	17-19, . . . . .	42	8	34
<b>1897.</b>				
Jan.	5-7, . . . . .	38	1	37
Feb.	2-4, . . . . .	44	11	33
Feb.	22-24, . . . . .	33	5	28
March	2-4, . . . . .	38	6	32
April	6, 8, . . . . .	27	2	25
April	20-22, . . . . .	45	7	38
May	4-6, . . . . .	40	4	36
May	18-20, . . . . .	41	7	34
June	1-3, . . . . .	39	6	33
June	22-24, . . . . .	49	11	38
Sept.	7 9, . . . . .	29	—	29
Sept.	21-23, . . . . .	35	4	31
Totals, . . . . .		540	79	461



The examinations consist of an oral, written and identification of drugs, simples and compounds. Up to the present time the percentage required to pass the Board has been 67 in each department. In many of the States it has been 75 per cent. Thus far we have felt it wiser to increase the standard of examination rather than the percentage, and the standard is only increased in the ratio of the general advance in all matters pertaining to the practice of pharmacy.

Of the 79 certificates of registration granted this year, —

14 passed on 1st examination.				2 passed on 7th examination.			
19	"	2d	"	2	"	8th	"
7	"	3d	"	2	"	10th	"
17	"	4th	"	2	"	11th	"
7	"	5th	"	1	"	12th	"
5	"	6th	"	1	"	18th	"

The percentage of successful applicants may appear small, and the following answers to questions asked are quoted and submitted as good and sufficient reasons for refusing registration to many applicants: —

"Boric acid is made by sublimating borax."

"Proto iodide and deuto iodide are the same."

"Deuto iodide is corrosive sublimate. Proto iodide is calomel."

"Pyro means a higher salt; hypo is a higher salt."

"Maximum dose of codia is  $\frac{1}{80}$  to  $\frac{1}{30}$ ."

"Ordinary dose of morphine is one grain."

"Proto chloride of mercury is yellow oxide."

"Per chloride of mercury, proxylinum, glonoin, ratsbane, etc., — don't know."

"Elixir vitriol is sulphuric acid."

"Thorn apple is nut galls."

"The important article in Hoffman's Anodyne is morphine."

"Source of manna is meat scraps boiled down and let get cold."

"Petrolatum comes from the manufacture of turpentine."

"Glonoin is the yolk of egg."

"Dose of opium is 15 grains, and in 20 minims of laudanum there are 10 grains of opium."

"Cod liver oil comes from the whale and sweet oil from the hog."

"Hirudo means a large pill or suppository."

"Dimidius means an emetic."

"Pyrogalic acid is the ashes of galls."

"Nut galls are a fruit growing on the leaves of any oak tree." [Could not tell what he would dispense for sub. muriate or sub. chlo. of mercury. For per chloride of mercury would give yellow iodide.]

"Hyd. Sub. Mur., Proto Chlo. and Bi Chlo. are all calomel. The difference between Sulph. Quin. and Bi Sulph. is that the sulphate is twice as strong of cinchona. Borax and boric acid are the same, both are white. One may be a little smoother than the other." [This man's rating was 17 out of a possible 300.]

"Hiera picra is a crumb of bread."

"Aloes are obtained by cutting down the trees and pruning them."

"Soporific is a blister."

"Aloes are the inside fruit of a nut."

One applicant said, "Proto means stronger," and out of ten questions asked, not one was correctly answered.

A candidate came up for the eleventh time in January of this year. He could not tell the meaning of translucent, sudorific, soporific, and insisted that the prefixes per and proto were the same. His written examination was 31.

An applicant who had been refused six times says on his seventh examination, "Ejusdem means, let him take;" correcting himself, said, "It means a rectal injection."

In March, two applicants, one now a proprietor of seventeen years' experience and his clerk of thirteen years' experience, in States near by, came up for examination, intending to locate in Massachusetts if successful. Out of a possible 300, the proprietor received 114 and the clerk 104. [This record is made as presenting an argument against the making of certificates of the several States interchangeable.]

An applicant claiming eight years' experience, age twenty-one, says: "A tablespoonful of laudanum contains half a grain of opium. . . . Opium is obtained by insects pinching the buds of opium trees."

Another applicant of three years' experience received 19 out of a possible 300.

Another applicant of six years' experience received 65.

At this same examination four others, experience from one and a half to six years, were rated respectively 208½, 210, 215 and 228.

An applicant employed in one of the charitable hospitals of the State says: "The dose of opium is three grains, and there are four grains of opium in one ounce of laudanum. . . . Dose of blue mass is one-eighth of a grain. . . . Dose of Fowler's Solution is fifteen minims or ten drops, — its equivalent, and contains about one-tenth of a grain of arsenic. . . . Bisulphate of quinine contains twice as much sulphur. . . . Sulphate and bi-sulphate contain same amount of quinine." This same applicant came up for the third time recently, and his answers, if possible, were worse than above. His first appearance was in May, 1897, the second in June, the last in September. Out of the possible 300 he received in May 98, in June 82, and in September 62.

These facts are given to plainly indicate some of the conditions we have to meet with, and we earnestly ask if section 5 of the law which says, "Any person may be re-examined at any regular meeting of the Board, upon the payment of a fee of three dollars," should not be amended.

The attention of the Board has frequently been called to the "free dispensaries," hospitals, corrective institutions, poor farms and similar places, where compounding and dispensing of drugs is permitted by unregistered and incompetent assistants. In many cases we have succeeded in correcting this hazard, but the recent fatal result in one of the public institutions emphasizes the necessity of legislative action. There seems to be an increasing amount of free prescribing and dispensing by some of the public and charitable institutions, outside of the inmates, and charges are made to this office that some of these charitable institutions are *seeking outside* work, and many well-to-do people are daily receiving medical advice and their drugs without charge, or at a nominal price, such as is accorded to charity patients.

*Financial Statement.*

Oct. 1, 1896, cash in State treasury, . . . . . \$309 67

## Received during the year,—

From applicants, 181 at \$5.00, . . . . . \$905 00

From applicants, 415 at \$3.00, . . . . . 1,245 00

\$2,150 00

For 20 duplicate certificates, . . . . . 20 00

2,170 00

Total, . . . . . \$2,479 67

*Expended.*

	Services.	Expenses.*
H. M. Whitney, . . . . .	\$197 50	\$68 77
F. H. Butler, . . . . .	245 00	121 70
J. A. Rice, . . . . .	170 00	193 87
A. K. Tilden, . . . . .	120 00	—
John Larrabee, secretary, . . . . .	645 00	68 66
	<u>\$1,377 50</u>	<u>\$453 00</u>
		<u>\$1,830 50</u>
Wright & Potter Printing Company, . . . . .	\$58 76	
F. H. Butler, sundries, . . . . .	3 55	
H. C. Dimond & Co., rubber stamp, . . . . .	75	
G. C. Cannon & Co., engrossing certificates, . . . . .	4 32	
Thorp & Martin Manufacturing Company, stationery, . . . . .	11 92	
Geo. C. Goodwin & Co., crude drugs, . . . . .	18 00	
Dunton & Potter, printing examination questions, . . . . .	27 50	
H. M. Whitney, drugs, . . . . .	2 50	
Larrabee & Stearns, drugs, . . . . .	3 75	
Vox Populi Printing Press, printing examination questions, . . . . .	4 25	
		<u>135 30</u>
		<u>\$1,965 80</u>
Balance in State treasury, . . . . .		\$513 87

*Liabilities.*

## Candidates not examined, fees paid,—

44 at \$5.00, . . . . . \$220 00

76 at \$3.00, . . . . . 228 00

\$448 00

\* Including mileage.

## ENFORCING THE PHARMACY LAW.

In this branch of our work the Board have held eight special sessions, as follows :—

Dec. 2, 1896 : At this session three cases of violation of law were considered, resulting as follows : one certificate revoked altogether ; one continued for sentence ; one placed on file.

The agent was instructed to examine the poison books kept in every drug store, as required by law, calling attention to the necessity of registering every sale of poison named in the act, and to leave a copy of the pharmacy law.

Jan. 13, 1897 : Three formal complaints were thoroughly investigated and discussed ; but, it appearing from statements under oath that violations of law were accidental and would not occur again, definite action was delayed.

Jan. 20, 1897 : At this session of the Board one of the worst cases we have had was presented. The respondent was represented by counsel, who was especially interested from the fact of his ownership of the store, and, being an attorney at law, claimed he had the right to run a drug store with a registered pharmacist fifty miles away, provided he could communicate with him by telephone, and an occasional visit in person by the registered pharmacist. Objections and protests were made at every step by the attorney, until it became a necessity to rule that all facts affecting the conduct of the store and the acts of the respondent must be heard. Cross-examination was allowed to an unlimited extent. The respondent, after consultation with counsel, declined to make any statement.

It appeared by our records that this registered pharmacist was before us in April, 1894, and admitted most gross and improper conduct, and was then told that any further complaint of wrong-doing would be deemed sufficient cause for the revocation of his certificate. The evidence at this time was clear and conclusive of the most flagrant violation of the pharmacy law, of acts not punishable by criminal prosecution ; and his general character, as our records and admitted facts developed, was such as required “ the Board, in their

judgment, after due consideration of the facts, to revoke his certificate altogether."

Two other cases were heard at this time and placed on file.

March 30, 1897: One case suspended for six months. Another case, not clearly covered by law, was dismissed with severe reprimand and caution.

June 15, 1897: Four cases were ordered for this hearing, three only appearing; two were suspended for six months; one was suspended for twelve months.

June 29, 1897: Two cases. Both of these appeared from sworn statements to be of such a character that the public good did not require further punishment than had been given by the courts, and they were therefore continued without action.

July 15, 1897: Two cases; one revoked, one suspended for six months.

July 29, 1897: One case suspended for six months.

#### *Summary.*

Extra meetings during the year, . . . . .	35
Special meetings, . . . . .	8
Formal complaints, . . . . .	34
Special cases disposed of by hearings, . . . . .	17
Certificates revoked altogether, . . . . .	3
Certificates suspended for twelve months, . . . . .	1
Certificates suspended for six months, . . . . .	5
Cases continued for sentence, . . . . .	1
Cases placed on file, . . . . .	4
Cases dismissed as the public good did not seem to require further punishment, . . . . .	3

Many minor complaints have been heard and adjusted without formal hearing.

Special care is taken to avoid an injustice, every respondent being allowed to present his side in his own way. Full typewritten records of all the hearings are on file in the office.

We have seventeen cases awaiting the action of the courts, which will probably require suspension or revocation. We feel justified in saying there is most decidedly a helpful influence from the fear of suspension or revocation of certificates of registration in pharmacy holding many from

gross violation of the law and hazard to the public. The watchful care and faithful investigations of our agent, and the earnest efforts of the Board to act promptly and justly after due notice and exhaustive hearings, seem to have established the fact that the pharmacy law is not a dead and past issue.

The renewal of registration once in two years would be of special service and value to the public and reputable pharmacy. No possible objection can be made to renewals, as it simply means an exchange of certificate without examination. Our books now show 3,771 registered pharmacists, when in fact there are about 2,500 certificates honestly in use.

While there are occasionally conditions apparently justifying the issuing of an assistant's certificate, we are inclined to the opinion that it would result in more evil than good.

In this branch of our work, as well as the liquor certificates, we refer to the agent's report appended, and his summary of the twelve monthly reports made by him to the Board.

*Financial Statement from Oct. 1, 1896, to Oct. 1, 1897.*

Services of the Board, including daily attendance and records

of the office, . . . . .	\$350 00
Expenses of the Board, . . . . .	94 07
Clerical and stenographic service, . . . . .	240 00
S. B. Harris, agent (services, \$796.50; expenses, \$418.70), . . . . .	1,215 20
Clipping bureau, . . . . .	4 80
Stationery and postage, \$20.00; printing, \$15.46, . . . . .	35 46
Miscellaneous, . . . . .	8 20
Total, . . . . .	<u>\$1,947 73</u>

Vouchers in detail at auditor's office.

LIQUOR CERTIFICATE DEPARTMENT.

As predicted in our tenth annual report, this branch of our work is attracting the attention of many other States, and frequent inquiries are made for details and results, with the intention of adopting this corrective, reformatory and uplifting feature of the Massachusetts pharmacy law.

While the examination department controls the educational standard, the enforcing of the pharmacy law confines and

largely controls the sale of drugs by registered pharmacists, the liquor certificate department forces a higher moral standard, and is the strongest lever at our command in overcoming an evil which largely contributed to the necessity of the enactment of the pharmacy law.

The demoralizing and degrading influence of the at one time unrestricted sale of spirituous and intoxicating liquors for other than medicinal purposes, by the comparatively few law defiers and reckless persons posing as pharmacists, has never been so successfully checked as by the present pharmacy law. That most marked and fairly satisfactory results have attended the efforts of the Board is evident by the antagonizing element we encounter, and the approval of all law-abiding citizens. So far as it may be wisely and properly done, this department should be strengthened by legislative action. This work requires a large correspondence with licensing boards, city and town officials, complainants, pharmacists, etc. Many calls are made at the office, and a large amount of detail work is required to determine the question of "proper person and public good," to avoid an injustice to the applicant or an apparent neglect of duty in an investigation as required by the statute.

Complaints received, . . . . .	27
Special meetings held, . . . . .	32
Hearings granted, . . . . .	67

Several cases, where a serious doubt existed as to "proper person and public good," have been disposed of by the Board without the expense of a formal hearing, when personal explanations have been given at the office or in writing by the applicant, or careful investigation has been made by the agent.

As the full daily records of the office, correspondence, typewritten hearings and every detail may be seen at the office if desired, it seems unnecessary to present them in this report.

Applications received from Oct. 1, 1896, to March 1, 1897, to expire May 1, 1897, . . . . .	48
Granted, . . . . .	34
Refused, . . . . .	14



Applications received from March 1, 1897, to Oct. 1, 1897, to expire May 1, 1898, . . . . .	1,196
Granted, . . . . .	1,059
Refused, . . . . .	128
Not passed upon and transferred to new account, . . . . .	9
Total number of applications for the year, . . . . .	1,244
Total number of certificates granted, . . . . .	1,093
Total number of certificates refused, . . . . .	142
Transferred to new account, . . . . .	9

*Financial Statement from Oct. 1, 1896, to Oct. 1, 1897.*

Services of the Board, including daily attendance and records of the office, . . . . .	\$1,490 00
Expenses of the Board, . . . . .	398 87
Clerical and stenographic, . . . . .	480 00
S. B. Harris, agent, . . . . .	1,077 16
Stationery, postage (\$62.88), printing (\$17.37), . . . . .	80 25
Clipping bureau (\$8.70), miscellaneous (\$5.50), . . . . .	14 20
Total, . . . . .	\$3,540 48

Vouchers in detail at Auditor's office.

Received for liquor certificates, . . . . .	\$1,243 00
Returned to rejected applicants, . . . . .	\$141 00
Paid to State Treasurer, . . . . .	1,093 00
Transferred to new account, . . . . .	9 00

POISON LAW.

By act of the Legislature of 1896 the adulteration of drugs or medicines and the sale of poisons were placed under the supervision of this Board (sections 19 and 20 of the pharmacy law, chapter 397, Acts of 1896). This was a new departure, and we have been unable to determine how far we are expected to exercise control, — whether it should be confined to pharmacists and the drug store, or enforced in every instance where poisons are sold at retail. That *none* but registered pharmacists are permitted by the law to sell Paris green and many other named poisons, and must keep a record of such sale, is perfectly clear, and we are so instructed from the office of the Attorney-General. But it has for many years been the custom of grocery, hardware, grain and country stores to sell Paris green and other poisons for destroying potato bugs and other insect life, and without any record or antidote. For this Board to enter upon the

absolute control, confining the sale of Paris green particularly to the drug store only, seemed to be a position not intended by the Legislature. We therefore call special attention to this matter, and respectfully request that, if this Board must take on this special police work, the poison law be most carefully revised and specific instructions given.

Much time, both inside and outside of the office, has been given to this matter, and, while we have not had any case before the courts, we are confident good results have been secured in most of the drug stores. Should the Legislature continue this work in our custody with more definite and specific instructions, there is a large field for supervision.

*Financial Statement from Oct. 1, 1896, to Oct. 1, 1897.*

	Services.	Expenses.	
J. A. Rice, . . . . .	\$25 00	\$4 50	
A. K. Tilden, . . . . .	25 00	—	
F. H. Butler, . . . . .	25 00	3 30	
H. M. Whitney, . . . . .	35 00	9 40	
John Larrabee, . . . . .	25 00	3 40	
S. B. Harris, . . . . .	85 00	47 15	
	<u>\$220 00</u>	<u>\$67 75</u>	\$287 75

CONCLUSION.

In conclusion, we submit our agent's annual summary, exhibiting somewhat in detail his work under our supervision.

There is apparently much less friction to-day than in 1896, as the purpose of the law and the work of the Board is better understood and appreciated.

As indicated on a previous page, the work accomplished by the Massachusetts Board of Pharmacy has attracted the attention of the leading pharmacists of the country, from Maine to California, and is heartily approved, as evidenced by the recent action of the American Pharmaceutical Association.

Respectfully submitted,

H. M. WHITNEY, *President.*  
 JOHN LARRABEE, *Secretary.*  
 F. H. BUTLER.  
 JOHN A. RICE.  
 AMOS K. TILDEN.

## AGENT'S REPORT.

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BOSTON, Oct. 1, 1897.

*To the Board of Registration in Pharmacy.*

GENTLEMEN:—During the past year the mortuary list of druggists throughout the Commonwealth has become unusually large, thirty-six having joined the silent dead. As your agent made his annual tour of inspection, their familiar faces were sadly missed at their accustomed places of business. The cities and towns in which they lived and the number deceased in each are as follows:—

Amherst, . . . . 2	Marlborough, . . . . 1
Boston, . . . . 5	Newton, . . . . 1
Chicopee, . . . . 1	North Adams, . . . . 1
Fall River, . . . . 3	North Weymouth, . . . . 1
Gloucester, . . . . 1	Plymouth, . . . . 1
Haverhill, . . . . 1	Revere, . . . . 1
Holyoke, . . . . 2	Spencer, . . . . 2
Lowell, . . . . 5	Springfield, . . . . 1
Lynn, . . . . 1	Waltham, . . . . 1
Malden, . . . . 3	Worcester, . . . . 2

In the discharge of my duties under your orders, requiring visitations to every portion of the State, and in many instances several times to various localities, during the year just closed, my observations warrant me in saying that a very large majority of pharmacists are in favor of the enforcement of the pharmacy laws, feeling assured that the pharmacy business is gradually becoming an honorable profession. On the other hand, there still remains a small percentage who have no interest in drugs, medicines, chemicals and poisons, only so far as the exhibit of the same serves as a cloak to cover up the real business of the proprietor, which is to sell spirituous liquors under the guise

of respectability. In a few instances the profits therefrom are obtained during the Lord's Day; but the results accomplished during the past three years by the local authorities, in conjunction with the Board of Pharmacy, is beginning to be a serious question for these druggists-in-appearance to consider. The courts are becoming acquainted with this latter class of individuals, as the court records indicate, and the introduction of quite a number of them to the presiding justices has proved a very expensive honor to the transgressors, several county, city and town treasurers having received thereby nearly six thousand dollars. In a few instances the defendants have been required to tarry a while as guests of the county in which they resided. It is to be hoped that their experiences will have a salutary effect.

There still remain a very few who are the willing tools of liquor dealers, having no financial interest in the business except to draw their weekly salaries. It is to be deplored that men qualified to engage in the honorable pursuit of the business of pharmacy should engage their services to persons whose connection therewith tends to degradation. "A word to the wise is sufficient."

The record of sales of spirituous and intoxicating liquors by retail druggists, as required by the statutes, has been more generally observed during the past year than heretofore. But there are still some who have had to have their attention called to their careless manner of making sales of liquor. In every case they have promised to properly keep their records in the future.

By an act of the Legislature of last year, the enforcement of the poison law was placed in the hands of the Board of Pharmacy. Upon investigation and inspection it appears that invariably the druggists keep a record of poison sales, as required by section 20, chapter 397, Acts of 1896.

As required by acts of the Legislature, the various complaints of a criminal nature reported to the Board and subsequently investigated by your agent, and other criminal violations observed by him, have been reported to the proper prosecuting officers in the various localities, who have attended to their duties, only requiring his attendance in court as a witness, thereby saving for the Board of Pharmacy

much time of the agent which would otherwise be consumed if he were required to prosecute the violators of the pharmacy law. For their prompt assistance and courteous treatment they are entitled to great credit; and wherever the local authorities have interested themselves with the Board of Pharmacy, the evils which formerly entered into the apothecaries' business disappear, and good citizens greet the same with hearty approval.

Upon two occasions, during my tour of inspection, the certificates of registration of men deceased were found displayed, that being the only indication that a registered clerk was in charge of the store. In each instance the place of business was immediately closed, thereby ending the short career of the would-be pharmacist.

Upon other occasions the certificates of men engaged in business not pertaining to pharmacy were found displayed, no person connected with these stores being registered. In each event a registered clerk was secured at once.

In the discharge of my duties, several curiosities have come to my notice, a description of which perhaps will not be out of order.

In one drug store the prescription list was inspected by the writer, and revealed the fact that the last prescription entered was more than three years old. This man has ceased to conduct his humbug any longer.

Another, being asked to show his prescriptions, replied, "When a prescription comes in, I put it up and throw the prescription into the waste basket." He has gone into the clothing business.

Another, when asked about his prescription business, said, "I don't put up any myself; I would not dare to." This man, from time to time, has importuned the Board, as you well know, for a certificate of recommendation pursuant to obtaining a sixth-class license, when the town votes no license. When the town votes license, he invariably receives a first and a fourth class license.

Upon another occasion, in a neighboring city, my attention was called to a store, a pharmacy in appearance, which had existed only a short time. Upon entering the store was found conspicuously displayed the certificate of registration

in pharmacy of Mr. D. A young man was found in charge, who was asked the following questions:—

Q. What is your name? A. D.

Q. Are you a registered pharmacist? A. My brother is.

Q. Where is your brother? A. He has just stepped out; he will return in a few minutes.

Q. Don't you know that your brother is in the House of Correction at East Cambridge for violating the liquor law?

The young man immediately left the premises. His employer was convicted of keeping a common liquor nuisance, which caused him to conclude that as a druggist he was a failure. The store was closed.

There are others who are found under rather embarrassing conditions, but perhaps the instances cited will suffice.

As you well know, the monthly reports submitted to you by me during the past year contain substantially an account of the work performed in your service, so that only a recapitulation of results seems to be necessary, and is as follows:—

*Recapitulation.*

Number of visits to cities and towns, . . . . .	348
Number of inspections made to drug stores, . . . . .	1,640
Number of criminal complaints made to the local authorities, .	65
Number of druggists prosecuted and convicted, . . . . .	58
Amount of fines imposed, . . . . .	\$5,707
Number committed to prison, . . . . .	3
Number of months served, . . . . .	8
Number of complaints made to the Board and investigated, .	97
Number of formal complaints made to the Board, . . . . .	34
Number of drug stores closed, . . . . .	46
Number of stores found doing business without any registered person connected therewith, . . . . .	21

There are distributed throughout the Commonwealth at the present time 1,580 drug stores, besides the various department stores, which, according to our last census, constitutes one drug store to every fifteen hundred inhabitants; and, as no druggist would care to start in the business without a population of two thousand to warrant the undertaking, the business outlook for an increase in numbers does not appear to be encouraging.

It is my desire, in concluding this my annual report to

the Board, to again bear witness to the faithful endeavors put forth and diligent labor performed in the discharge of your duties connected with the Board of Pharmacy, the results of which are left for public consideration.

Respectfully submitted,

SIMON B. HARRIS,  
*Agent.*

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OCT 18 1909

THIRTEENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION  
IN PHARMACY

FOR THE YEAR 1898.

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BOSTON:  
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18 POST OFFICE SQUARE.  
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# Commonwealth of Massachusetts.

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## REPORT.

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BOSTON, MASS., Oct. 1, 1898.

To His Excellency ROGER WOLCOTT.

In this, our thirteenth annual report for the year Oct. 1, 1897, to Oct. 1, 1898 (and in which we are required, by section 4, chapter 397, Acts of 1896, to "give the condition of pharmacy in the State"), we desire to emphasize the fact of marked progress in a strictly pharmaceutical sense, and the beginning, not alone in this State but in several others, of an advance in the requirements of the pharmacist on the lines of analysis, microscopy and application of remedies to disease, resulting in the drug store of the future becoming one of the most helpful, economic, time-saving and reliable aids to modern progress. Not immediately can the average man of modest means command an analysis of water, paper, food or drugs, or a microscopic examination which will enable him to avoid many lurking and hidden dangers. It is undoubtedly the coming pharmacist who will occupy this position, having not only pharmaceutical skill, but such therapeutical knowledge as will make him the most useful aid and assistant the physician can have. The life and success of fraud, quackery and the attendant evils must in time yield to the rapidly growing and acquired skill of the modern physician and pharmacist. The people, with increasing opportunities for culture and general education, will not always continue to be the dupe and prey of the charlatan.

11

In the performance of the several duties imposed upon us, great care is taken to avoid an injustice to the applicant for registration in pharmacy, or by refusing a liquor certificate; but equal care is taken to avoid an injustice to the people, by refusing either certificate when satisfied the public good will not be promoted.

Many hours have been given to the consideration of practical work in our examinations, which would require much more cost in time and material used. It is claimed by some that applicants who fail in oral, written or identification of drugs could, in practical work, establish a claim to registration, and that work in preparing or compounding is a better test than an oral or written examination. We as a Board cannot agree that it is better, but we are clearly of the opinion that practical work added to the present method would be an advance in the right direction, and could be accomplished by an annual appropriation to this department of one thousand dollars, by renewal of certificates once in two years, or by an increase of examination fees.

Meetings or sessions of the Board have been held as follows:—

Examinations, . . . . .	39
Enforcement of pharmacy law, . . . . .	16
Granting of liquor certificates, . . . . .	35

The office, Room 22, State House Annex, is open daily for the convenience of pharmacists and the public. All letters, requests for blanks, copies of the law, etc., receive immediate attention, and, as a rule, reply is mailed the same day.

Upon enforcement of the pharmacy law we have had 24 hearings; upon granting of liquor certificates, 117 hearings; making a total of 141 hearings; and in nearly every case we have a full typewritten record of proceedings.

nl

## EXAMINATION DEPARTMENT.

The original purpose or duty of the Board was to prevent incompetent persons assuming the hazardous duties of dispensing drugs and medicines, and this year examinations have been held as follows :—

					Days.	Examined.	Registered.	Rejected.
<b>1897.</b>								
Oct.	5-7,	.	.	.	3	35	4	31
Nov.	9-11,	.	.	.	3	43	12	31
Dec.	7-9,	.	.	.	3	38	6	32
<b>1898.</b>								
Jan.	4-6,	.	.	.	3	38	9	29
Feb.	8-10,	.	.	.	3	44	9	35
March	1-2,	.	.	.	2	30	4	26
March	15-16,	.	.	.	2	35	6	29
March	29-30,	.	.	.	2	25	4	21
April	5-6,	.	.	.	2	30	7	23
April	20-21,	.	.	.	2	32	4	28
May	3-4,	.	.	.	2	18	2	16
May	24-25,	.	.	.	3	41	5	36
June	7-9,	.	.	.	3	39	7	32
June	28-30,	.	.	.	3	44	10	34
Sept.	13-15,	.	.	.	3	26	5	21
Totals, . . . . .					39	518	94	424

The percentage of certificates granted is plus 18. This showing indicates a very small proportion, but the 518 examinations were given to only 302 persons, and, of the 302 persons examined, 94 received certificates of registration, making the percentage of certificates granted to the number of *persons* examined, plus 31.

The records of all examinations as made in writing by each applicant, over his own signature, are on file, and must be our reply to any who claim our requirements are extreme.

The work for this year only, Oct. 1, 1897, to Oct. 1, 1898, may be summarized as follows :—

Candidates, 170	Examinations to each, 1	Total, 170
" 73	" " 2	" 146
" 41	" " 3	" 123
" 12	" " 4	" 48
" 5	" " 5	" 25
" 1	" " 6	" 6
<b>Total, 302</b>		<b>Total, 518</b>

As stated above, 94 have become registered pharmacists.

12 passed on the 1st examination.				5 passed on the 7th examination.			
19	"	"	2d	"	2	"	8th
19	"	"	3d	"	1	"	9th
17	"	"	4th	"	1	"	10th
7	"	"	5th	"	3	"	11th
7	"	"	6th	"	1	"	13th

Out of this 94, 82 have had an average of 4.3 examinations each, many of them taking the first examination prior to this year.

As in the past, we submit some of the answers received, clearly exhibiting the need of great care in granting certificates of registration in pharmacy in this Commonwealth:—

"Piera is poke root."

"Spirits of Mindererus is made from citric acid and ammonia water."

"Boracic acid is pyroligneous acid."

"Calcium is purified lime."

"Petroleum and petrolatum are the same."

One applicant, twenty-six years old, claiming five and one-half years' experience, says: "Etherial oil is used as a flavor, and bi-sulphate quinine is twice as much value as the sulphate."

"Proto Chlo., Bi Chlo., Per Chlo. and Sub. Chlo. are the same."

"Genus of a plant is the part used."

"Biennial is twice a year. Perennial is three times a year."

"Manna is a fruit."

"Fox glove is Hyoscyamus."

"Sine means highest. Hypo and proto mean the same, higher quantity."

"Levis, as magnes levis, means ligature."

"A sudorific renders the action of other medicines more pleasant."

"Piera is an exudation from the tree Hiera Piera."

"Nepeta Cataria is Iceland Moss."

A physician of four years' experience as a druggist in an adjoining State says: "Poke root is hellebore; squills is the bark of a root; don't know Cannabis Sativa, German Powder or how much arsenic in five minims of Fowlers' Solution, or why cold water is used in making syrup of wild cherry." Also

says: "Basham's Mixture is Sol. Acet. of Ammonia; red oxide of mercury is much more powerful than the yellow; galls is a disease of the tree and Gallic acid is the only acid obtained," and many other equally strange answers.

"Tinct. Camph. Comp. is Spirits Camphor."

"Prince's Pine is hemlock."

"Sesqui means water; Hydro Carbon comes from the atmosphere," and out of four recipes got one right.

"Simple cerate is made of white wax, glycerine and water."

"Inula is Star Anise."

"Disintegrating is disinfecting."

"Cutch is a small disc to be used in the eye."

"Sugar of milk comes from corn."

"Bismuth is made from arsenic."

"Blue mass is mild chloride of mercury ointment."

One applicant, out of fifty questions, answered only one correctly. His written examination was rated 9, and drugs 35, "Dose of opium is 3 to 10 grains; boric acid is more soluble than soda chloride."

Another says: "There is 84-100 gr. of opium in one teaspoonful of laudanum." (There are six grains.)

Another says: "Boric acid is a saturated solution of borax; proto, deuto and bin Iodide are all the same; Proto Chlo., Sub. Mur., Bi Chlo., and Per Chlo. Hydrarg. all mean calomel."

An applicant claiming nine years' experience, and upon his fourth examination, says: "Krameria is Iceland Moss; chlorine is made from chloroform and alcohol; difference between carbonate and calcined magnesia is simply reducing carbonate to powder by rubbing; galenical preparations are fatty ones." His rating on this fourth examination was: oral, 25; written, 23½; drugs, 20.

An applicant, age twenty-seven, claiming five years' experience, says: "I make lime water from chloride of lime, which comes from the metal calcium."

Another, on his ninth examination, says: "Disintegration is feld spar; translucent means to turn over."

An applicant on the second examination writes: "An anthelmintic is a drug to quiet a crazy person; would give atropia."

Another says: "Camphor is mined from the earth."



An applicant on his sixth examination, age twenty-seven years, with four years' experience in a good store (undoubtedly a satisfactory assistant, as far as selling goods and attention to the strictly commercial part), proved fearfully deficient as a competent pharmacist. His rating was : oral, 10 ; written, 15 ; drugs, 0.

Another candidate says : "The difference between spirits and tinctures is that spirits are nine times stronger than tinctures."

A physician, fifty-three years old, and claiming ten years' experience as a pharmacist (from 1873 to 1883), and now thinking of opening a drug store, says : "The medicinal part of jalap is the rhizome ; of colocynth is the seed, from which an extract is made ; the official syrup containing Carb. Potass. is syrup Iodide of Iron." He would make boracic acid by treating borax to drive off carbonic gas ; no difference between sublimed and purified sulphur ; washed sulphur was made by washing sulphur with sulphuric acid ; teaspoonful of laudanum contains  $1\frac{1}{2}$  grains of opium ; and when asked if he would give a teaspoonful, said he would not, it contained 22 grains of opium. When asked how he would make a pill of permanganate of potass, he said, "Use starch and some extract."

With such answers as given above, we submit it is not the *fault* of the Board that so many fail to receive a certificate of registration, and we suggest that section 5 of the law, which says, "Any person may be examined at any regular meeting of the Board upon the payment of a fee of three dollars," be amended, limiting the number of times a person may appear within a specified period.

*Financial Statement.*

Oct. 1, 1897, cash in State treasury, . . . . .	\$513 87
Received during the year : —	
Fees from applicants, 128 at \$5.00, . . . . .	\$640 00
Fees from applicants, 370 at \$3.00, . . . . .	1,110 00
	<hr/>
	\$1,750 00
For 12 duplicate certificates, . . . . .	12 00
	<hr/>
	1,762 00
	<hr/>
Total, . . . . .	\$2,275 87

*Expended.*

	Services.	Expenses.*
H. M. Whitney, . . . .	\$185 00	\$57 57
F. H. Butler, . . . .	195 00	107 65
J. A. Rice, . . . .	202 50	225 30
A. K. Tilden, . . . .	97 50	11 50
John Larrabee, secretary, . .	680 00	69 04
	<u>\$1,360 00</u>	<u>\$471 06</u>
		\$1,831 06

Wright & Potter Printing Company, . .	\$109 32	
Dennison Manufacturing Company, . .	6 48	
Thorp & Martin Manufacturing Company, .	1 85	
Geo. C. Goodwin Company (drugs), . .	10 75	
Gilman Brothers, . . . .	8 64	
E. L. Patch Company, . . . .	9 00	
Larrabee & Stearns, . . . .	3 20	
Dunton & Potter (printing examination questions), . . . .	9 00	
Thompson & Hill (printing examination questions), . . . .	4 25	
Vox Populi Press (printing examination questions), . . . .	4 25	
H. W. Stone (engrossing certificates), .	5 40	
Paine Furniture Company (filing case), .	22 00	
	<u>189 14</u>	\$2,020 20
Cash to balance:—		
In State treasury, . . . .	\$193 67	
On hand, . . . .	62 00	
	<u>255 67</u>	\$2,275 87

*Liabilities.*

Applicants not examined, fees paid:—		
Prior to Nov. 1, 1896:—		
20 at \$5.00, . . . .	\$100 00	
25 at \$3.00, . . . .	75 00	
	<u>\$175 00</u>	
Year ending Oct. 1, 1897:—		
6 at \$5.00, . . . .	\$30 00	
7 at \$3.00, . . . .	21 00	
	<u>51 00</u>	
Year ending Oct. 1, 1898:—		
15 at \$5.00, . . . .	\$75 00	
27 at \$3.00, . . . .	81 00	
	<u>156 00</u>	
Total, . . . .		\$382 00

\* Including mileage.

## ENFORCEMENT OF THE PHARMACY LAW.

During the past year many attempts have been made to induce the Board to recede from its action of suspending or revoking the certificate of registration in pharmacy, as required by law. It is an unpleasant duty to suspend or revoke a certificate of registration, and the duty is made hard and trying by influences brought to bear to force a change of action. Threats of prosecution, of repealing the pharmacy law and of testing its constitutionality have been made. In several cases where questions of law were raised by counsel we have felt justified in seeking advice from the office of the Attorney-General, which has been promptly given.

As this part of our work has proven to be a necessity, great care and exhaustive investigation is made prior to final action. Some of the cases have been such as to excite our sympathy, but the Board have felt that public good should be the first consideration.

Sixteen sessions have been held, as follows :—

Oct. 20, 1897 : At this session three cases were ordered for hearing. One was a case of long-continued violation of law, and the certificate was revoked. The other two cases were continued for convenience of counsel, who could not be present. At this meeting there was also a petition for change of verdict in six months' suspension, but no change could be made.

Oct. 27, 1897 : Three cases were considered. One was continued for sentence ; one was placed on file ; one was found guilty, but owing to the contention of attorney, action was delayed until a written opinion could be obtained from the Attorney-General.

Nov. 9, 1897 : The verbal appeal, made Oct. 8, by a prominent physician, supported by a representative from a wholesale drug house, and later put in the form of a letter, seeking reinstatement of certificate revoked in 1894, was presented with the facts. After due consideration, the president was instructed to write that the Board declined to take any further action.

Nov. 17, 1897 : Five cases were considered. One certificate was suspended for six months, one for twelve months, and

one was revoked (the case heard October 27). This was a flagrant case, the charge being a violation of the liquor law. The evidence showed persistent sales of liquors from the soda fountain and on Sunday. One case was placed on file, as the respondent had left the State. One pleading release of suspension, it was voted no change could be made.

Nov. 30, 1897: Two cases were considered. One was revoked. In the other, the certificate was suspended for three months only, the facts being that no licenses were granted in the town but by general consent all the apothecaries sold more or less liquor. This man was complained of by local authorities, convicted, and paid a fine of one hundred dollars and lost his stock of liquors.

Dec. 15, 1897: An earnest plea was made by eminent counsel that the action taken November 30 be reconsidered. No effort was made to disprove facts, and, after due consideration, the Board decided that their action, having been taken under the law, could not be changed. In another case, the respondent appeared with counsel. Many witnesses were present. The charge was illegal sales of liquor. Counsel entered a plea of guilty, and requested the Board to delay final action, which request was granted. In the next case, the respondent asked for continuance, as his counsel could not be present. The request was granted.

Jan. 12, 1898: The first case heard was the one continued from December 15. Counsel appeared for his client, making an earnest appeal that the man should be saved, if possible; and, this being his first offence, it was voted to suspend his certificate for twelve months. In the second case, the respondent under oath made a clear and manly statement of all the facts, which coincided with the report made by our agent. It was voted to place on file. In the third case, the respondent refused to appear in answer to the summons. This was a flagrant case, as was shown by the evidence of several witnesses and court records produced. It was voted to revoke this certificate altogether.

Jan. 14, 1898: A special meeting was held for the consideration of various matters, and the Board appeared before the committee on public health.

March 23, 1898: This was apparently a flagrant case, but

the claim was made by the respondent that, having entered a plea of *nolo contendere*, and paid a fine, the Board were barred from action, claiming that there was no record of conviction, as required by statute. Continued for the opinion of the Attorney-General.

March 31, 1898: In the above case, the plea of no jurisdiction was thoroughly discussed, typewritten evidence of the hearing was carefully considered, and the unanimous opinion of the Board was, "Guilty of the acts charged," but sentence was again delayed for the opinion of the Attorney-General. In the next case considered, the charges were so clearly established that the certificate was revoked.

April 13, 1898: The case heard on March 23, and reviewed on March 31, was disposed of by suspension for twelve months.

June 22, 1898: The party summoned to appear at 10 A.M. did not appear. At 11.15 the testimony of officers was taken and the case continued.

June 29, 1898: Counsel appeared in above case, making argument and plea for leniency. Certificate was revoked.

July 6, 1898: This was a complaint against a party known favorably to members of the Board many years ago. He appeared in his own behalf, raised questions of jurisdiction, and was sharp and critical in his cross-examination of witnesses. After careful consideration of facts clearly established, his certificate was revoked.

Aug. 23, 1898: This was the case of a drug store opened in 1895 by an unregistered person at one of the seaside resorts of the State. This store has given the Board much trouble. The original proprietor died. His successor (also unregistered) employed a registered man, and the conduct of the store became so notorious that the registered man was summoned before the Board, charges were preferred, and, after patient hearing and earnest appeal of counsel, the defendant was found guilty of the acts charged, and his certificate was revoked.

Sept. 23, 1898: At the above store was found the certificate of another registered pharmacist who was summoned before the Board. It appeared that the owner of the certificate had permitted his certificate to keep the store alive for about ten days, but had not himself been in attendance, nor had he been

in the drug business for the three previous years, being engaged in the practice of dentistry. The certificate was suspended for six months.

*Summary.*

Certificates revoked altogether, . . . . .	8
Certificates suspended for 12 months, . . . . .	3
Certificates suspended for 6 months, . . . . .	2
Certificates suspended for 3 months, . . . . .	1
Cases placed on file, . . . . .	4
Formal complaints made by our agent, . . . . .	26
Informal complaints, noted, recorded and investigated, . . . . .	56

Eleven of the seventeen cases brought by local police and reported last year as awaiting final action of the courts have been settled. Some failed of conviction on purely technical grounds, but we hope the moral effect has been good. In our agent's report will be found many facts and points of interest bearing upon this part of our work. We have at this date eleven unsettled cases of formal complaint.

*Financial Statement from Oct. 1, 1897, to Oct. 1, 1898.*

	Services.	Expenses.	Total.
H. M. Whitney, . . . . .	\$332 50	\$83 77	\$416 27
John Larrabee, . . . . .	37 50	10 10	47 60
F. H. Butler, . . . . .	50 00	35 60	85 60
John A. Rice, . . . . .	2 50	2 96	5 46
A. K. Tilden, . . . . .	40 00	3 50	43 50
S. B. Harris, . . . . .	760 00	377 50	1,137 50
Clerical and stenographic, . . . . .	250 00	—	250 00
Miscellaneous, . . . . .	—	7 50	7 50
Total, . . . . .	\$1,472 50	\$520 93	\$1,993 43

**GRANTING OF LIQUOR CERTIFICATES TO DRUGGISTS.**

This branch of our work continues to be of growing interest to the people, and of such importance as to demand much time in correspondence, personal investigation, and the greatest possible care in deciding many cases. The law requires us to say that the applicant is a "proper person, and the public good will be promoted." In several prohibition towns and cities no sixth-class licenses are granted, in others the sixth-class license only is granted. Where none are granted, there appears to be an accepted condition that, if care is exercised, no prosecu-

tion will follow. This condition is a direct violation of the statute, and in several instances has been of great hardship to the pharmacist, where prosecution has followed.

Thirty-five special sessions have been held during the year. From Oct. 1, 1897, to Oct. 1, 1898, we have received 1,315 applications for liquor certificates. Of this number 1,114 have been granted, 184 refused and 12 withdrawn. At twenty of the thirty-five sessions, 117 applicants have appeared, with or without counsel, and every opportunity has been granted the applicant to explain, or if possible to correct, our record and urge change of action. Sixty-four have been successful. Fifty-two, who, from carelessness or otherwise, had neglected to keep the record of sales as required by statute, have been so notified, and in most of such cases have appeared before the Board and certificates have been granted, as it was the only offence, with the assurance that continued neglect to record sales would be a bar to further consideration.

It would be idle to attempt a transcript of our records, as it is well understood that any and all efforts to control the sale of intoxicating liquors, even for medicinal purposes, is attended with many annoyances. We fully realize the difficulty in legislation to meet all questions that may arise, and feel it would be useless to recapitulate the many suggestions and plans urged upon us for new legislation, until the people are more ready to enforce such laws as we now have.

We have no desire to parade the work of this Board, or proclaim the value of our efforts in the interests of the people. We do feel justified in saying the Legislature of this Commonwealth is entitled to credit for making it possible to prevent incompetent persons maintaining liquor saloons under the guise of a drug store, and that, in our opinion, the laws now under the supervision of this Board have prevented the opening of hundreds of so-called drug stores, which would have been a serious hardship to reputable pharmacy, and a fearful evil in the State.

As in the department for enforcing the pharmacy law, we refer to our agent's report.

In addition to the typewritten record of hearings, we have also brief records of many cases adjusted or disposed of without calling the full Board together, accomplished by correspondence.

*Applications.*

Applications received from Oct. 1, 1897, to March 1, 1898, to expire

May 1, 1898, . . . . .	66
Certificates granted, . . . . .	37
Certificates refused, . . . . .	23
Applications withdrawn, . . . . .	6

Applications received from March 1, 1898, to Oct. 1, 1898, to expire

May 1, 1899, . . . . .	1,249
Certificates granted, . . . . .	1,077
Certificates refused, . . . . .	161
Applications withdrawn, . . . . .	6
Transferred to new account, . . . . .	5

Total number of applications for the year, . . . . .	1,315
Total number of certificates granted, . . . . .	1,114
Total number of certificates refused, . . . . .	184
Total number of applications withdrawn, . . . . .	12
Transferred to new account, . . . . .	5

Received for liquor certificates, . . . . .	\$1,315
Returned to rejected applicants and withdrawn, . . . . .	\$196
Paid to State treasurer, . . . . .	1,114
Transferred to new account, . . . . .	5

*Financial Statement from Oct. 1, 1897, to Oct. 1, 1898.*

	Services.	Expenses.	Total.
H. M. Whitney, . . . . .	\$987 50	\$229 42	\$1,216 92
John Larrabee, . . . . .	112 50	29 35	141 85
F. H. Butler, . . . . .	122 50	81 10	203 60
John A. Rice, . . . . .	50 00	59 95	109 95
A. K. Tilden, . . . . .	102 50	8 00	110 50
S. B. Harris, . . . . .	790 00	440 60	1,230 60
Clerical and stenographic, . . . . .	480 00	-	480 00
Printing, stationery, postage, etc., . . . . .	-	90 61	90 61
Miscellaneous, . . . . .	-	18 78	18 78
Total, . . . . .	\$2,645 00	\$957 81	\$3,602 81

**POISON LAW.**

The evil of selling many poisons outside of the drug store still continues, and without record of sale, as required by Acts of 1897; but, as we have supervision of the drug store only, we would report that we have found but two violations of the poison law in drug stores during the year.



*Financial Statement from Oct. 1, 1897, to Oct. 1, 1898.*

	Services.	Expenses.	Total.
H. M. Whitney, . . . . .	\$25 00	\$7 00	\$32 00
F. H. Butler, . . . . .	25 00	—	25 00
John Larrabee, . . . . .	25 00	—	25 00
John A. Rice, . . . . .	25 00	—	25 00
A. K. Tilden, . . . . .	25 00	—	25 00
Wright & Potter, . . . . .	—	3 50	3 50
Total, . . . . .	\$125 00	\$10 50	\$135 50

Respectfully submitted,

H. M. WHITNEY, *President.*JOHN LARRABEE, *Secretary.*

F. H. BUTLER.

AMOS K. TILDEN.

JOHN A. RICE.

## AGENT'S REPORT.

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Boston, Mass., Oct. 1, 1898.

*To the Board of Registration in Pharmacy.*

GENTLEMEN:—During the past year thirty-one registered pharmacists have passed away. The cities and towns in which they resided and the number deceased are as follows:—

Amherst, . . . . 1	Lynn, . . . . 1
Avon, . . . . 1	Munson, . . . . 1
Boston, . . . . 6	Northborough, . . . . 1
Brookfield (North), . . 2	Revere, . . . . 1
Brookline, . . . . 1	Salem, . . . . 1
Cambridge, . . . . 1	Spencer, . . . . 3
East Douglas, . . . . 2	Stoughton, . . . . 1
Fall River, . . . . 1	Springfield, . . . . 1
Haverhill, . . . . 1	Suffield, . . . . 1
Lowell, . . . . 2	Worcester, . . . . 2

My duties in your service have taken me to every portion of the State, and to some localities many times.

During the five years I have been employed as your agent my acquaintance with the druggists of the Commonwealth has constantly increased, and I am thus enabled each year to judge more fully of the manner in which the drug stores of the State are conducted. It is a satisfaction to report that this year the law has been more strictly observed than during the preceding year. As proof of this statement, there have not been as many criminal complaints made to the courts, nor have as many formal complaints been made to the Board. Fewer stores were found without registered clerks, and, as the natural observance of the law, a less number of persons have abandoned the pharmacy business during 1898 than during 1897.

We still have in a very few cities and towns, I am sorry to state, local authorities who believe, judging from their conversation and actions, that it is not their business to assist in the enforcement of the pharmacy law, notwithstanding section 21, chapter 397, Acts of 1896, reads as follows: "It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers." It is evident that their unwillingness to interest themselves in these matters retards the enforcement of helpful and just statute law. It is very fortunate that this state of affairs exists in only six localities in Massachusetts. On the other hand, the officials in the remaining portions of our State have taken an interest in the enforcement of the law, and have rendered valuable assistance, entitling them to grateful acknowledgment.

As an illustration, during the month of February, 1898, an inspection was made of every drug store in the city of Boston. A liquor inspector for each division was detailed from headquarters to accompany your agent. These inspectors and myself made minutes of any violations which were observed, giving full credit to pharmacies which were conducted according to the law. The results of our inspection showed that quite a number did not properly keep a record of sales of liquor under their sixth-class licenses, and that twenty-one, during the year of 1897, had abandoned the business. Since our visit, complaints against druggists in Boston have been very few, showing to the public that they are willing to become law-abiding, and that the law is not regarded as a dead letter.

I believe, with but few exceptions, that the pharmacist who has engaged in the business of pharmacy, as a pharmacy business, has a desire to properly conduct the same. The difficulty is caused by those who are not in the business pharmaceutically, but to make what profit they can out of pharmaceutical pretence, until the law calls them to a realization of what frauds they have been, their reward being their experience; the last state of such persons is generally worse than the first. In some cases their silent partner and financial backer is a wholesale liquor dealer. The Board is fully conversant with their persistence and the means employed by them to obtain

a recommendation pursuant to the granting of a sixth-class license; but, in order to inform others who may read this report, one such case will be cited.

In 1897 a wholesale liquor dealer of Boston was the proprietor of a drug store, to all appearances a pharmacy, in an adjoining town. A registered pharmacist, whom the Board knew to be financially embarrassed, applied for a recommendation in order to obtain the desired license for this store. As the law provides that no license of the sixth class shall be issued to any person who is not a registered pharmacist and engaged in business on his own account, the request was very properly denied by the Board. This applicant very soon disappeared from the store. Within a short time another applicant applied for a certificate, claiming that he had purchased the whole business, and ought of right to be recognized. This application was investigated and disposed of in the same manner as that of his predecessor. He also disappeared. On the sixteenth day of June, on account of a complaint made to the Board, your agent visited this store, and found a young man in charge.

He was asked, "Who is the proprietor of this store?" A. "Mr. A——." Q. "What is his business?" A. "Wholesale liquor dealer in Boston." Q. "Is there any registered person in charge?" A. "Yes." Q. "What is his name?" A. "Mr. B——." Q. "Where is he at present?" A. "Attending to his medical studies in Boston."

After waiting three hours, the clerk in question appeared, and the following interview took place: Q. "Are you in charge of this store?" A. "Yes, but I have got pretty nearly through." Q. "Are you a registered pharmacist?" A. "Yes." Q. "Where is your certificate of registration in pharmacy?" A. "At my room. I took it away last night." Q. "When were you registered?" A. "About twelve years ago."

Knowing the above statement to be absolutely false, a call upon the chief of police of the town seemed proper. Subsequently, in company with him, I again visited the store. I then remarked to the pretended registered man, "What surprised me the most, when I met you this afternoon, was your statement that you are a registered pharmacist. Now you

know that statement is without any foundation whatever. You and this young man, in the interest of a liquor dealer, have been doing business without any appointment or authority. It is my duty, as agent of the Board of Pharmacy, to report your proceedings to the chief of police." Both young men began to plead with the officer, promising to make any restitution in their power, and the chief ordered them to close the place at once, saying, "In case this store is opened again for business, without a registered pharmacist in charge, prosecutions will follow." They closed the store immediately. Subsequently another application came, under conditions similar to those of the other two. Upon looking up the record of this applicant, it was found that he had been detained in Cambridge jail "by force and against his will" for a period during the past year, and therefore he was very properly refused.

This is but one of many illustrations which might be given of similar cases. It is such men as these who cause more anxiety and trouble than all else connected with the pharmacy business. These are the persons who require official attention when opportunity is presented; a law-abiding pharmacist has no cause for fear from the State Board of Registration in Pharmacy, nor from any one connected therewith.

As from month to month you have received a detailed statement of service rendered by me, I will conclude this annual report with a recapitulation of results obtained, trusting that the public good has been promoted thereby.

#### *Recapitulation.*

Number of visits to cities and towns, . . . . .	335
Number of inspections made of drug stores, . . . . .	1,595
Number of criminal complaints made to local authorities, . . . . .	55
Number of druggists prosecuted, . . . . .	51
Number of druggists convicted, . . . . .	46
Amount of fines imposed, . . . . .	\$3,900
Number of druggists committed to prison, . . . . .	3
Number of months served, . . . . .	18
Number of complaints made to the Board and investigated, . . . . .	79
Number of formal complaints made to the Board, . . . . .	26
Number of drug stores closed, . . . . .	41
Number of drug stores found doing business without any registered person in charge, . . . . .	19
Number of sixth-class licenses revoked, . . . . .	14

During my tour of inspection the past year I found in one store open for business that the only indication of a registered person being in charge was the certificate of registration of a deceased man, conspicuously displayed. Another store was found in charge of a man whose certificate of registration in pharmacy was revoked three years ago. His address at present is Worcester County jail.

In closing, I wish to extend my appreciation of the service rendered by those who, in their official capacity, have assisted me in the enforcement of the pharmacy laws throughout the Commonwealth.

To the Board I still testify that your duty has been well performed as faithful public servants.

Respectfully submitted,

SIMON B. HARRIS,

*Agent.*

## LAWS RELATING TO PHARMACY.

[CHAPTER 397, ACTS OF 1896.]

### AN ACT TO REGULATE THE PRACTICE OF PHARMACY.

*Be it enacted, etc., as follows :*

SECTION 1. The board of registration in pharmacy shall consist of five persons. The present members thereof shall continue to hold their offices during the terms for which they were appointed. The appointment to fill vacancies occurring from expiration of terms of office shall be for five years from the first day of October in each year. The appointments to said board shall be made by the governor with the advice and consent of the council, and only skilled pharmacists, resident in the Commonwealth, who have had ten consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions shall be eligible, and not more than one member of said board shall be interested in the sale of drugs, medicines and chemicals and the compounding and dispensing of physicians' prescriptions in the same city or town. Any member of said board may be removed from office for cause by the governor with the advice and consent of the council.

SECTION 2. The members of said board shall meet on the first Tuesday of October in each year at such time and place as they may determine, and shall immediately proceed to organize by electing a president and secretary, who shall be members of the board, and who shall hold their respective offices for the term of one year. The secretary shall give to the treasurer and receiver general of the Commonwealth a bond with sufficient sureties, to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold three regular meetings in each year, one on the first Tuesday of January, one on the first Tuesday of May and one on the first Tuesday of October, and such additional meetings at such times and places as they shall determine.

SECTION 3. The compensation, incidental and travelling expenses of the board shall be paid from the treasury of the Commonwealth. The compensation of the members of the board shall be five dollars each for every day actually spent in the discharge of their duties and

the amount actually paid by them for necessary travelling expenses in attending the meetings of the board, but in no case exceeding three cents per mile each way. The bills for such compensation and their incidental and travelling expenses shall be approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amounts due as in case of other bills and accounts approved by him under the provisions of law. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board, as aforesaid, is hereby appropriated, in addition to any amount authorized by the legislature for the purposes of this act.

SECTION 4. The board shall keep a record of the names of all persons examined and registered hereunder, and a record of all moneys received and disbursed by said board, a duplicate of which records shall always be open to inspection in the office of the secretary of the Commonwealth. Said board shall make to the governor on or before the first day of January in each year a report stating the condition of pharmacy in the state, with a full and complete record of all its official acts during the year, and the receipts and disbursements of the board.

#### REGISTRATION OF PHARMACISTS.

SECTION 5. Any person desiring to do business as a pharmacist shall upon payment of a fee of five dollars be entitled to examination, and if found qualified shall be registered as a pharmacist, and shall receive a certificate signed by the president and secretary of said board. Any person may be re-examined at any regular meeting of the board, upon the payment of a fee of three dollars. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth.

SECTION 6. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 7. Said board shall hear all applications by registered pharmacists for the granting of sixth class licenses, whenever such hearing is required by the applicant, and all complaints made to them against any person registered as a pharmacist, charging him with suffering or permitting the use of his name or his certificate of registration by others in the conduct of the business of pharmacy when he himself is not the owner and actively engaged in such business; engaging in, aiding or abetting the violation or, in his business as a pharmacist, violating any of the laws of the Commonwealth now under the supervision of the board of registration in pharmacy, and especially the laws relating to the sale of intoxicating liquor. Such complaint



shall be under oath, shall set out the offence alleged, and shall be made within fifteen days of the date of the act complained of.

SECTION 8. Said board shall notify the person complained against of the charge made against him and of the time and place when and where the matter will be heard by them. He may then and there appear before the board with his witnesses and be heard by counsel. Any three of the members of the board shall be a quorum for such hearing. Either member of the board may administer oaths to the witnesses at such hearing, and any person so sworn who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Said board shall have the power to send for persons and compel the attendance of witnesses at said hearings, by process duly served.

SECTION 9. If the full board sitting at such hearing shall find that the person complained against is guilty of the acts charged against him said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, or may revoke it altogether, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after conviction by a court of competent jurisdiction.

SECTION 10. No license for the sale of spirituous or intoxicating liquors, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more such licenses shall be granted annually by the board of license commissioners of cities, the board of police of the city of Boston, or the selectmen of towns, to retail druggists or apothecaries, if it shall appear that the applicant is a fit person to receive such license, is not disqualified to receive the same under section sixteen of this act, and is a registered pharmacist actively engaged in business on his own account, and if he shall also present to the licensing board a certificate of fitness as provided in section eleven of this act. Retail druggists and apothecaries shall not be subject to the second clause of section nine of chapter one hundred of the Public Statutes when the sale is made, as hereinafter provided, upon the prescription of a physician.

SECTION 11. The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquor a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting of said license. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such

certificate. Such complaints shall be in writing, specifying the reason, if any, why a certificate should be withheld. For each certificate so granted by the board of registration in pharmacy said board shall be entitled to receive a fee not exceeding one dollar, to be paid by the applicant.

SECTION 12. Any license for the sale of intoxicating liquor, of the sixth class, shall become null and void, without any process or decree, whenever the registered pharmacist to whom it has been granted shall cease to conduct his business in person and on his own account, or upon the revocation of his registration as such pharmacist and of his certificate thereof, excepting cases where the registered pharmacist has died or become incapacitated, and his business is continued by his widow, executor or administrator, under a registered pharmacist.

SECTION 13. Sales of intoxicating liquor of any kind by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation.

SECTION 14. A book shall be kept by every retail druggist and apothecary in which he shall enter at the time of every such sale the date thereof, the name of the purchaser, who shall also sign his name in said book as part of said entry, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is also made upon the prescription of a physician the book shall also contain the name of the physician and state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.	Signature of Purchaser.
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SECTION 15. The book, certificates and prescriptions before provided for or referred to, shall at all times be open in the city of Boston to the inspection of the board of police, and in all the cities and towns of the Commonwealth to the inspection of the mayor and aldermen, board of license commissioners, selectmen, overseers of the poor, sheriff, constables, police officers, and justices of the peace.

SECTION 16. Any person making or issuing a false or fraudulent certificate or prescription referred to in sections thirteen or

fourteen of this act may be prosecuted therefor, and upon conviction may be fined ten dollars. Any retail druggist or apothecary violating any of the provisions of sections thirteen, fourteen and fifteen of this act shall, upon conviction thereof, be punished by fine of not less than fifty nor more than five hundred dollars, or imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. He shall in addition to said penalties forfeit his license and be disqualified to hold a license for the period of one year after his conviction, and if the licensee is the owner of the premises no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

SECTION 17. Any person not being a registered pharmacist who shall procure a sixth class license for the sale of intoxicating liquors, in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall by himself or his servants sell intoxicating liquor, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned in the house of correction for a term of not less than one month nor more than six months, and the provisions of section eight of chapter two hundred and fifteen of the Public Statutes shall not apply to such sentence.

SECTION 18. Whoever not being registered as aforesaid shall, by himself or his agent or servant, unless such agent or servant is so registered, retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in a jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicines shall be forfeited, and destroyed under the direction of the court.

SECTION 20. [*Amended.*]

## GENERAL PROVISIONS.

SECTION 21. It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers, and especially to prosecute all persons violating section seventeen of this act.

SECTION 22. In order properly to carry out the provisions of this act the board of registration in pharmacy may expend annually a sum not exceeding two thousand dollars, and an itemized statement of all expenses incurred shall be filed with the auditor of the Commonwealth, who, after they have been properly approved, shall allow them in the same manner as other claims against the Commonwealth.

SECTION 23. This act shall not apply to physicians putting up their own prescriptions or dispensing medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any member of a copartnership, other than a registered pharmacist, be liable to the penalties hereof: *provided*, that such non-registered member shall not retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, except under the personal supervision of a registered pharmacist.

SECTION 24. Sections five and six of chapter two hundred and eight of the Public Statutes, chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five, chapters two hundred and sixty-seven and four hundred and thirty-one of the acts of the year eighteen hundred and eighty-seven, chapter two hundred and nine of the acts of the year eighteen hundred and eighty-eight, chapters two hundred and twenty-seven and four hundred and seventy-two of the acts of the year eighteen hundred and ninety-three, and chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-four, are hereby repealed. [*Approved May 15, 1896.*]

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[CHAPTER 192, ACTS OF 1898.]

## AN ACT RELATIVE TO THE SALE OF POISONS.

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the whole of said section and insert-

ing in place thereof the following:—*Section 20.* Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral, hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large black letters the word, Poison, and also the word, Antidote, and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this act shall be construed to apply to wholesale dealers and to manufacturing chemists in their sales to the retail trade, nor to the general merchant, who may sell in unbroken packages containing not less than one quarter of a pound, Paris green, London purple, or other arsenical poisons for the sole purpose of destroying potato bugs or other insect life upon plants, vines or trees: *provided*, that such merchant complies with the provisions of this section in respect to recording such sale and labelling each package sold.

SECTION 2. This act shall take effect upon its passage. [*Approved March 17, 1898.*]

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PUBLIC DOCUMENT . . .

PRICE, No. 29040

OCT 18 1899

**FOURTEENTH ANNUAL REPORT**

OF THE

**MASSACHUSETTS BOARD OF REGISTRATION  
IN PHARMACY**

**FOR THE YEAR 1899.**

BOSTON :

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
18 POSEY SQUARE  
1900.



PUBLIC DOCUMENT . . . .

. . . . No. 39.

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OF THE

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FOR THE YEAR 1899.

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# Commonwealth of Massachusetts.

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## REPORT.

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BOSTON, MASS., Oct. 1, 1899.

To His Excellency ROGER WOLCOTT, *Governor*.

Sir:— We present herewith the fourteenth annual report of the Board of Registration in Pharmacy for the year ending Oct. 1, 1899.

The condition of pharmacy in this State, from a commercial stand-point, has improved but little during the year. As a result of the enactment and enforcement of the pharmacy laws, there has been a continued improvement in the professional standing and qualifications of pharmacists as a class. The examinations have been largely practical, and it is especially noticeable that candidates are better prepared than formerly, due to the opportunities afforded them by their employers and by schools and colleges of pharmacy for a systematic course of study and training, added to which practical experience in the store or laboratory is a recognized necessity. The public justly demands proper evidence of fitness on the part of those desiring to engage in the responsible duties of a pharmacist. To the Board is entrusted the important duty of determining their qualifications, in the discharge of which we have insisted upon an accurate knowledge to such an extent as deemed vital to the public welfare. Gradually the standard has been raised. That there were incompetent men in the business at the time of the passage of the law cannot be denied. By its provisions they were allowed to remain, and it is to be regretted that many with the certificates granted them without examination have assisted and protected persons not pharmacists, but proprietors, in doing an illegal business, which would not have been possible without their presence with a certificate.

With the advance in requirements there have come forward

persons who advertise to prepare candidates for examination by a course of cramming, which, if successful, can be of little permanent value, and is a poor substitute for a systematic course of study in conjunction with laboratory work, in botany, pharmacy and chemistry. The laws of this and other States do not require the latter in direct terms, nor that the applicant shall be a graduate of any school of pharmacy, nor do the rules of the Board make any distinction whatsoever in this regard. Our experience justifies the statement that those who are best prepared for the examinations have enjoyed opportunities for graded and definite instruction; and we are convinced that the pharmacist of the future will, from a sense of duty, seek such advantages, and not be content with a superficial knowledge gleaned from quiz-compendes, or imparted by tutors who guarantee for a consideration to supply answers to Board questions sufficient to enable persons to pass the required examination.

Consideration has been given to the matter of improving or correcting the register of pharmacists. Since the enactment of the laws fourteen years have elapsed, during which time 1,392 persons have qualified by examination and been duly registered, making a total number now registered of 3,916. As near as can be ascertained, there are about 2,600 registered pharmacists doing business as proprietors or clerks within the State. As suggested in previous reports, a correct list of persons actually engaged can be secured only by a renewal of certificates, which might be accomplished if authority were given, as a part and aid to the enforcement of the laws.

The recent amendment, whereby candidates are not allowed to be re-examined until after the expiration of three months, will be of benefit in enforcing longer intervals between examinations, and, as a result, insuring better preparation.

Practical work in the laboratory has not been undertaken, for the reason that the examination department cannot be self-sustaining, as hitherto, and afford time for laboratory work. If the laws were amended so that authority be given to expend a portion of the annual appropriation in that manner, the Board would be enabled, by examining a less number per day, to do more effective service, and give the candidates an opportunity to show their proficiency and skill in compounding; but,

in order to do practical work properly, additional room and larger laboratory conveniences would be necessary.

April 10, 1899, Mr. H. M. Whitney, who had served as president of the Board since its organization, in 1885, resigned. April 27, 1899, Mr. Charles F. Nixon was appointed to fill the vacancy existing. The Board reorganized by electing Mr. John Larrabee as president and Mr. Amos K. Tilden as secretary, the latter assuming charge of the office work.

#### EXAMINATION DEPARTMENT.

Meetings have been held for examinations on dates and with results as follows:—

1898-99.	Days.	Examined.	Registered.	Rejected.
October 4-5, . . . . .	2	19	2	17
November 16-17, . . . . .	2	32	3	29
December 14-15, . . . . .	2	27	4	23
January 4-5, . . . . .	2	27	1	26
February 7-9, . . . . .	3	46	6	40
March 14-16, . . . . .	3	37	8	29
April 18 and 20, . . . . .	2	32	6	26
May 2-4, . . . . .	3	43	5	38
May 24-26, . . . . .	3	37	5	32
June 6-7, . . . . .	2	22	4	18
June 27-28, . . . . .	2	32	6	26
September 12-14, . . . . .	3	26	1	25
Totals, . . . . .	29	380	51	329

Of the 51 certificates granted this year:—

10 passed on first examination.

6 " " second "

10 " " third "

8 " " fourth "

5 " " fifth "

3 " " sixth "

4 passed on seventh examination.

1 " " eighth "

2 " " ninth "

1 " " twelfth "

1 " " fourteenth "

## FINANCIAL STATEMENT FROM OCT. 1, 1898, TO OCT. 1, 1899.

Oct. 1, 1899, cash in State treasury, . . . . .	\$255 67
Received during the year:—	
Fees from applicants, 126 at \$5, . . . . .	\$630 00
Fees from applicants, 276 at \$3, . . . . .	828 00
	<u>\$1,458 00</u>
For twelve duplicate certificates, . . . . .	12 00
	<u>1,470 00</u>
Total, . . . . .	\$1,725 67

*Expenditures.*

	Services.	Expenses.*	Total.
H. M. Whitney (6 months), . . . . .	\$70 00	\$20 37	\$90 37
F. H. Butler, . . . . .	165 00	70 30	235 30
John Larrabee, . . . . .	380 00	33 75	413 75
John A. Rice, . . . . .	145 00	173 19	318 19
Amos K. Tilden, . . . . .	185 00	17 88	202 88
C. F. Nixon, . . . . .	70 00	29 90	99 90
	<u>\$1,015 00</u>	<u>\$345 39</u>	<u>\$1,360 39</u>

H. W. Stone (engrossing certificates), . . . . .	\$10 60	
C. C. Hoffman & Co. (rubber stamps), . . . . .	1 50	
J. L. Fairbanks & Co., . . . . .	2 00	
Wright & Potter Printing Company, . . . . .	36 94	
Thompson & Hill (printing), . . . . .	8 50	
Thorp & Martin Company, . . . . .	3 10	
George C. Goodwin Company (drugs), . . . . .	9 34	
C. F. Nixon (drugs), . . . . .	4 65	
Whitall & Tatum (glass), . . . . .	5 91	
	<u>82 54</u>	
		<u>1,442 93</u>
Balance in State treasury, . . . . .		\$282 74

*Liabilities.*

Applicants not examined, fees paid:—

Prior to Jan. 1, 1895:—

19 at \$5, . . . . .	\$95 00
17 at \$3, . . . . .	51 00
	<u>\$146 00</u>

From Jan. 1, 1895, to Oct. 1, 1899:—

25 at \$5, . . . . .	\$125 00
62 at \$3, . . . . .	186 00
	<u>311 00</u>

Total, . . . . .	\$457 00
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\* Including mileage.

## LIQUOR CERTIFICATES.

The duties imposed by law in connection with the granting of liquor certificates are important and far-reaching in results, as, without the certificate of the Board, no license of the sixth class can be issued. The Board has maintained that the matter of keeping proper records of sales as required by the law should be an important factor in the making up of their judgment as to "proper person and promotion of public good." Much depends upon the enforcement of the liquor laws by local authorities. In many towns and some cities the books are not inspected regularly, and it is not surprising that our agent finds in such towns and cities poorly kept records, and occasionally none. The Board cannot endorse persons who disobey the law as being, in the language of the statute, "proper persons to be entrusted with such license," which necessitates the refusal or withholding of the certificate, even though the applicant has not been convicted of a criminal offence and has previously borne a good reputation, until assurances are received or evidence presented of their intention to obey the law in the future. Such a violation may be termed technical, but it is a violation; and he who fails to obey the law should not expect the same treatment as those who, often to their personal disadvantage, comply fully with its provisions.

Applications are frequently received from registered pharmacists who claim to have an interest as partners sufficient in amount to warrant the granting of a liquor certificate. In many instances an investigation reveals the fact that not a dollar has been invested by the applicants, the articles of copartnership often stating that they shall receive a weekly compensation for their services and retire when requested by the real owner, which request almost invariably follows a failure to obtain the certificate. To secure the needed information regarding these so-called partnerships requires much time of the agent and hearings before the Board. Fraud and misrepresentation of facts concerning ownership often largely determine final action.

*Liquor Certificate Applications.*

Applications received from Oct. 1, 1898, to March 1, 1899, to expire May 1, 1899, . . . . .	60
Certificates granted, . . . . .	38
Certificates rejected or withdrawn, . . . . .	22
Applications received from March 1, 1899, to Oct. 1, 1899, to expire May 1, 1900, . . . . .	1,219
Certificates granted, . . . . .	1,081
Applications rejected or withdrawn, . . . . .	136
Transferred to new account, . . . . .	2
Total number of applications for the year, . . . . .	1,279
Total number of certificates granted, . . . . .	1,119
Total number of applications rejected or withdrawn, . . . . .	158
Transferred to new account, . . . . .	2
Fees received for liquor certificates, . . . . .	\$1,279
Returned to rejected applicants or withdrawn, . . . . .	\$158
Cash paid to State Treasurer, . . . . .	1,119
Transferred to new account, . . . . .	2
Number of meetings for liquor certificate work, . . . . .	23
Number of hearings, . . . . .	88

## FINANCIAL STATEMENT FROM OCT. 1, 1898, TO OCT. 1, 1899.

	Services.	Expenses.*	Total.
H. M. Whitney (6 months), . . . . .	\$580 00	\$110 40	\$690 40
F. H. Butler, . . . . .	115 00	37 30	152 30
John Larrabee, . . . . .	240 00	34 83	274 83
Amos K. Tilden, . . . . .	417 50	24 75†	442 25
John A. Rice, . . . . .	90 00	101 81	191 81
C. F. Nixon (6 months), . . . . .	37 50	18 38	55 88
S. B. Harris, agent, . . . . .	830 00	386 80	1,216 80
Lucie I. Barrett, . . . . .	550 00	-	550 00
	<u>\$2,860 00</u>	<u>\$714 27</u>	<u>\$3,574 27</u>
Wyckoff, Seamans & Benedict, . . . . .		\$9 00	
Press Clipping Bureau, . . . . .		8 55	
J. L. Fairbanks & Co., . . . . .		6 00	
Wright & Potter Printing Company, . . . . .		115 12	
A. S. Roe (year book), . . . . .		3 00	
New England Telegraph and Telephone Company, . . . . .		4 65	
Boston Pocket Manual, . . . . .		1 00	
		<u>147 32</u>	
Total, . . . . .			<u>\$3,721 59</u>

\* Including mileage.

† Including witness fees (\$6.75).

## ENFORCEMENT OF PHARMACY LAW.

Great care has been exercised in this department that no injustice should be done. Certificates have not been suspended or revoked until after full and complete hearings, at which the accused has had ample opportunity to disprove the facts alleged in the formal complaint.

## SUMMARY.

Number of meetings for enforcement of pharmacy law, . . . . .	9
Number of hearings on violations of pharmacy law, . . . . .	20
Number of certificates revoked altogether, . . . . .	3
Number of certificates suspended for twelve months, . . . . .	8
Number of certificates suspended for six months, . . . . .	7
Number of certificates suspended for thirty days, . . . . .	1
Cases continued for sentence, . . . . .	1
Formal complaints made to the Board, . . . . .	27

## FINANCIAL STATEMENT FROM OCT. 1, 1898, TO OCT. 1, 1899.

	Services.	Expenses.*	Total.
H. M. Whitney (6 months), . . . . .	\$160 00	\$70 61	\$230 61
F. H. Butler, . . . . .	50 00	16 02	66 02
John Larrabee, . . . . .	60 00	11 18	71 18
Amos K. Tilden, . . . . .	45 00	43 25†	88 25
John A. Rice, . . . . .	27 50	10 29	37 79
C. F. Nixon (6 months), . . . . .	30 00	11 27	41 27
S. B. Harris, agent, . . . . .	750 00	391 15	1,141 15
Lucie I. Barrett, . . . . .	190 00	—	190 00
	<u>\$1,312 50</u>	<u>\$553 77</u>	<u>\$1,866 27</u>
Press Clipping Bureau, . . . . .		\$17 30	
Thorp & Martin Company, . . . . .		1 80	
C. C. Hoffman & Co., . . . . .		11 50	
Wright & Potter Printing Company, . . . . .		16 55	
New England Telegraph and Telephone Company, . . . . .		60	
		<u>47 75</u>	
Total, . . . . .			\$1,914 02

We submit herewith our agent's annual summary. Monthly reports in detail have been made by him and are on file at the office.

\* Including mileage.

† Including witness fees (\$37.85).



Meetings of the Board have been held as follows : —

Examinations, . . . . .	29 sessions.
Enforcement of pharmacy law, . . . . .	9 “
Granting of liquor certificates, . . . . .	23 “
	<hr/>
Total, . . . . .	61 “

Hearings granted : —

Violations of pharmacy law, . . . . .	20
Granting liquor certificates, . . . . .	88
	<hr/>
Total, . . . . .	108

The office is open daily, for the convenience of the public and the transaction of business.

Respectfully submitted,

JOHN LARRABEE, *President.*

AMOS K. TILDEN, *Secretary.*

FREEMAN H. BUTLER.

JOHN A. RICE.

CHARLES F. NIXON.

## AGENT'S REPORT.

BOSTON, MASS., Oct. 1, 1899.

*To the Board of Registration in Pharmacy.*

GENTLEMEN:— The following statistics and records, together with observations made by me as your agent, relating to the manner and conduct of the business of pharmacy during the past year, is herewith submitted.

Registered pharmacists who have died since last report: —

B. F. Aiken, . . . Millbury.	Terrence F. Molloy, Lowell.
Augustus R. Bayley, Cambridge.	Frank S. Nash, . Brockton.
E. P. Bryant, . . . Boston.	Charles H. Pinkham, Lynn.
George Colton, . . . Boston.	Felix Poisson, . . . Lawrence.
Isaac T. Campbell, . Boston.	Edgar V. Reynolds, Gardner.
James A. Dickerman, Taunton.	Henry Smith, . . . Dedham.
E. J. H. Ferguson, . Haverhill.	J. Ingliss Street, . Malden.
H. E. Fraser, . . . Chelsea.	John Stowell, . . . Boston.
Charles E. Kettell, . Boston.	Frank H. Tenney, . Worcester.
Fred J. Lewis, . . Baldwinville.	Henry C. Thompson, Millbury.
W. Louis Lessig, . . Lawrence.	Harry E. Wilkins, . Stoughton.
George E. Meacom, Peabody.	Robert E. Willard, . Pittsfield.

In the above list are the names of several who were pioneers in the business in this State, widely and favorably known for their fidelity and devotion to its best interests.

The pharmacy laws have been better observed than formerly, as evidenced by the records of the courts, by complaints made to the Board and by the inspection of your agent, who has found less stores being conducted without registered pharmacists; and, as a result, greater protection has been afforded the public against incompetent persons.

A difficulty confronts the Board and endangers the public, over which the pharmacy laws have no control. In the discharge of my duties my attention has been called to about a score of persons, possessed with certificates of registration in pharmacy, who habitually use intoxicating liquors, and often

become intoxicated in their places of business. They are persons well known to me, and my personal observation confirms the fact that a whirling brain and unsteady hand should not be allowed to dispense drugs, medicines, chemicals and poisons. Such persons should engage in some other pursuit, where the responsibilities are less. The pharmacy laws do not take cognizance of cases of the above description, consequently no remedy is at hand, as far as the Board is concerned.

Another abuse of the following character has shown itself during the past year. In several localities persons who, on account of a desire to do business on the Lord's Day other than works of necessity or charity, have applied to the licensing board in their cities for a common victualler's license and been refused, open what to appearances are drug stores, employ registered pharmacists to keep the store open seven days in the week, and not for the sale of drugs and medicines. A certificate of registration is too valuable, and a registered pharmacist cannot afford the risk of its revocation or suspension by reason of aiding or abetting such persons in the conduct of an illegal business.

Throughout the State there are at the present time 1,583 drug stores. The following list indicates the number located in the various cities and towns, and also includes those towns in which there are no drug stores : —

Abington, . . . .	Plymouth County, . . . .	3
Acton, . . . .	Middlesex County, . . . .	—
Acushnet, . . . .	Bristol County, . . . .	—
Adams, . . . .	Berkshire County, . . . .	3
Agawam, . . . .	Hampden County, . . . .	—
Alford, . . . .	Berkshire County, . . . .	—
Amesbury, . . . .	Essex County, . . . .	7
Amherst, . . . .	Hampshire County, . . . .	3
Andover, . . . .	Essex County, . . . .	4
Arlington, . . . .	Middlesex County, . . . .	6
Ashburnham, . . . .	Worcester County, . . . .	1
Ashby, . . . .	Middlesex County, . . . .	—
Ashfield, . . . .	Franklin County, . . . .	—
Ashland, . . . .	Middlesex County, . . . .	1
Athol, . . . .	Worcester County, . . . .	6
Attleborough, . . . .	Bristol County, . . . .	3
Auburn, . . . .	Worcester County, . . . .	—
Avon, . . . .	Norfolk County, . . . .	1
Ayer, . . . .	Middlesex County, . . . .	2

Barnstable, . . . .	Barnstable County, . . . .	2
Barre, . . . .	Worcester County, . . . .	2
Becket, . . . .	Berkshire County, . . . .	1
Bedford, . . . .	Middlesex County, . . . .	1
Belchertown, . . . .	Hampshire County, . . . .	1
Bellingham, . . . .	Norfolk County, . . . .	—
Belmont, . . . .	Middlesex County, . . . .	2
Berkley, . . . .	Bristol County, . . . .	—
Berlin, . . . .	Worcester County, . . . .	—
Bernardston, . . . .	Franklin County, . . . .	—
Beverly, . . . .	Essex County, . . . .	9
Billerica, . . . .	Middlesex County, . . . .	—
Blackstone, . . . .	Worcester County, . . . .	3
Blandford, . . . .	Hampden County, . . . .	—
Bolton, . . . .	Worcester County, . . . .	—
Boston, . . . .	Suffolk County, . . . .	332
Bourne, . . . .	Barnstable County, . . . .	1
Boxborough, . . . .	Middlesex County, . . . .	—
Boxford, . . . .	Essex County, . . . .	—
Boylston, . . . .	Worcester County, . . . .	1
Braintree, . . . .	Norfolk County, . . . .	3
Brewster, . . . .	Barnstable County, . . . .	1
Bridgewater, . . . .	Plymouth County, . . . .	2
Brimfield, . . . .	Hampden County, . . . .	—
Brockton, . . . .	Plymouth County, . . . .	26
Brookfield, . . . .	Worcester County, . . . .	4
Brookline, . . . .	Norfolk County, . . . .	8
Buckland, . . . .	Franklin County, . . . .	—
Burlington, . . . .	Middlesex County, . . . .	—
Cambridge, . . . .	Middlesex County, . . . .	58
Canton, . . . .	Norfolk County, . . . .	5
Carlisle, . . . .	Middlesex County, . . . .	—
Carver, . . . .	Plymouth County, . . . .	—
Charlemont, . . . .	Franklin County, . . . .	—
Charlton, . . . .	Worcester County, . . . .	—
Chatham, . . . .	Barnstable County, . . . .	1
Chelmsford, . . . .	Middlesex County, . . . .	1
Chelsea, . . . .	Suffolk County, . . . .	18
Cheshire, . . . .	Berkshire County, . . . .	—
Chester, . . . .	Hampden County, . . . .	1
Chesterfield, . . . .	Hampshire County, . . . .	—
Chicopee, . . . .	Hampden County, . . . .	9
Chilmark, . . . .	Dukes County, . . . .	—
Clarksburg, . . . .	Berkshire County, . . . .	—
Clinton, . . . .	Worcester County, . . . .	9
Cohasset, . . . .	Norfolk County, . . . .	1
Colrain, . . . .	Franklin County, . . . .	—
Concord, . . . .	Middlesex County, . . . .	3

Conway, . . . .	Franklin County, . . . .	-
Cottage City, . . . .	Dukes County, . . . .	2
Cummington, . . . .	Hampshire County, . . . .	1
Dalton, . . . .	Berkshire County, . . . .	5
Dana, . . . .	Worcester County, . . . .	1
Danvers, . . . .	Essex County, . . . .	4
Dartmouth, . . . .	Bristol County, . . . .	-
Dedham, . . . .	Norfolk County, . . . .	3
Deerfield, . . . .	Franklin County, . . . .	1
Dennis, . . . .	Barnstable County, . . . .	2
Dighton, . . . .	Bristol County, . . . .	-
Douglas, . . . .	Worcester County, . . . .	1
Dover, . . . .	Norfolk County, . . . .	-
Dracut, . . . .	Middlesex County, . . . .	-
Dudley, . . . .	Worcester County, . . . .	-
Dunstable, . . . .	Middlesex County, . . . .	-
Duxbury, . . . .	Plymouth County, . . . .	1
East Bridgewater, . . . .	Plymouth County, . . . .	1
Eastham, . . . .	Barnstable County, . . . .	-
Easthampton, . . . .	Hampshire County, . . . .	3
East Longmeadow, . . . .	Hampden County, . . . .	1
Easton, . . . .	Bristol County, . . . .	2
Edgartown, . . . .	Dukes County, . . . .	1
Egremont, . . . .	Berkshire County, . . . .	-
Enfield, . . . .	Hampshire County, . . . .	-
Erving, . . . .	Franklin County, . . . .	-
Essex, . . . .	Essex County, . . . .	1
Everett, . . . .	Middlesex County, . . . .	10
Fairhaven, . . . .	Bristol County, . . . .	2
Fall River, . . . .	Bristol County, . . . .	42
Falmouth, . . . .	Barnstable County, . . . .	2
Fitchburg, . . . .	Worcester County, . . . .	22
Florida, . . . .	Berkshire County, . . . .	-
Foxborough, . . . .	Norfolk County, . . . .	2
Framingham, . . . .	Middlesex County, . . . .	8
Franklin, . . . .	Norfolk County, . . . .	2
Freetown, . . . .	Bristol County, . . . .	-
Gardner, . . . .	Worcester County, . . . .	8
Gay Head, . . . .	Dukes County, . . . .	-
Georgetown, . . . .	Essex County, . . . .	2
Gill, . . . .	Franklin County, . . . .	-
Gloucester, . . . .	Essex County, . . . .	17
Goshen, . . . .	Hampshire County, . . . .	-
Gosnold, . . . .	Dukes County, . . . .	-
Grafton, . . . .	Worcester County, . . . .	3

Granby, . . . .	Hampshire County, . . . .	-
Granville, . . . .	Hampden County, . . . .	-
Great Barrington, . . . .	Berkshire County, . . . .	5
Greenfield, . . . .	Franklin County, . . . .	6
Greenwich, . . . .	Hampshire County, . . . .	-
Groton, . . . .	Middlesex County, . . . .	1
Groveland, . . . .	Essex County, . . . .	1
Hadley, . . . .	Hampshire County, . . . .	-
Halifax, . . . .	Plymouth County, . . . .	-
Hamilton, . . . .	Essex County, . . . .	1
Hampden, . . . .	Hampden County, . . . .	-
Hancock, . . . .	Berkshire County, . . . .	-
Hanover, . . . .	Plymouth County, . . . .	1
Hanson, . . . .	Plymouth County, . . . .	-
Hardwick, . . . .	Worcester County, . . . .	-
Harvard, . . . .	Worcester County, . . . .	-
Harwich, . . . .	Barnstable County, . . . .	2
Hatfield, . . . .	Hampshire County, . . . .	-
Haverhill, . . . .	Essex County, . . . .	35
Hawley, . . . .	Franklin County, . . . .	-
Heath, . . . .	Franklin County, . . . .	-
Hingham, . . . .	Plymouth County, . . . .	3
Hinsdale, . . . .	Berkshire County, . . . .	1
Holbrook, . . . .	Norfolk County, . . . .	1
Holden, . . . .	Worcester County, . . . .	-
Holland, . . . .	Hampden County, . . . .	-
Holliston, . . . .	Middlesex County, . . . .	2
Holyoke, . . . .	Hampden County, . . . .	30
Hopedale, . . . .	Worcester County, . . . .	1
Hopkinton, . . . .	Middlesex County, . . . .	3
Hubbardston, . . . .	Worcester County, . . . .	1
Hudson, . . . .	Middlesex County, . . . .	4
Hull, . . . .	Plymouth County, . . . .	1
Huntington, . . . .	Hampshire County, . . . .	1
Hyde Park, . . . .	Norfolk County, . . . .	7
Ipswich, . . . .	Essex County, . . . .	4
Kingston, . . . .	Plymouth County, . . . .	1
Lakeville, . . . .	Plymouth County, . . . .	-
Lancaster, . . . .	Worcester County, . . . .	-
Lanesborough, . . . .	Berkshire County, . . . .	-
Lawrence, . . . .	Essex County, . . . .	33
Lee, . . . .	Berkshire County, . . . .	3
Leicester, . . . .	Worcester County, . . . .	1
Lenox, . . . .	Berkshire County, . . . .	3
Leominster, . . . .	Worcester County, . . . .	5

Leverett, . . . .	Franklin County, . . . .	-
Lexington, . . . .	Middlesex County, . . . .	2
Leyden, . . . .	Franklin County, . . . .	-
Lincoln, . . . .	Middlesex County, . . . .	-
Littleton, . . . .	Middlesex County, . . . .	-
Longmeadow, . . . .	Hampden County, . . . .	-
Lowell, . . . .	Middlesex County, . . . .	53
Ludlow, . . . .	Hampden County, . . . .	1
Lunenburg, . . . .	Worcester County, . . . .	-
Lynn, . . . .	Essex County, . . . .	48
Lynnfield, . . . .	Essex County, . . . .	-
Malden, . . . .	Middlesex County, . . . .	30
Manchester, . . . .	Essex County, . . . .	2
Mansfield, . . . .	Bristol County, . . . .	3
Marblehead, . . . .	Essex County, . . . .	4
Marion, . . . .	Plymouth County, . . . .	-
Marlborough, . . . .	Middlesex County, . . . .	15
Marshfield, . . . .	Plymouth County, . . . .	-
Mashpee, . . . .	Barnstable County, . . . .	-
Mattapoisett, . . . .	Plymouth County, . . . .	-
Maynard, . . . .	Middlesex County, . . . .	2
Medfield, . . . .	Norfolk County, . . . .	1
Medford, . . . .	Middlesex County, . . . .	8
Medway, . . . .	Norfolk County, . . . .	4
Melrose, . . . .	Middlesex County, . . . .	8
Mendon, . . . .	Worcester County, . . . .	-
Merrimack, . . . .	Essex County, . . . .	2
Methuen, . . . .	Essex County, . . . .	2
Middleborough, . . . .	Plymouth County, . . . .	2
Middlefield, . . . .	Hampshire County, . . . .	-
Middleton, . . . .	Essex County, . . . .	-
Milford, . . . .	Worcester County, . . . .	7
Millbury, . . . .	Worcester County, . . . .	4
Millis, . . . .	Norfolk County, . . . .	-
Milton, . . . .	Norfolk County, . . . .	3
Monroe, . . . .	Franklin County, . . . .	-
Monson, . . . .	Hampden County, . . . .	2
Montague, . . . .	Franklin County, . . . .	5
Monterey, . . . .	Berkshire County, . . . .	-
Montgomery, . . . .	Hampden County, . . . .	-
Mount Washington, . . . .	Berkshire County, . . . .	-
Nahant, . . . .	Essex County, . . . .	1
Nantucket, . . . .	Nantucket County, . . . .	2
Natick, . . . .	Middlesex County, . . . .	9
Needham, . . . .	Norfolk County, . . . .	3
New Ashford, . . . .	Berkshire County, . . . .	-
New Bedford, . . . .	Bristol County, . . . .	45

New Braintree, . . .	Worcester County, . . .	-
New Marlborough, . . .	Berkshire County, . . .	1
New Salem, . . .	Franklin County, . . .	-
Newbury, . . .	Essex County, . . .	-
Newburyport, . . .	Essex County, . . .	12
Newton, . . .	Middlesex County, . . .	26
Norfolk, . . .	Norfolk County, . . .	-
North Adams, . . .	Berkshire County, . . .	12
North Andover, . . .	Essex County, . . .	2
North Attleborough, . . .	Bristol County, . . .	3
North Brookfield, . . .	Worcester County, . . .	2
North Reading, . . .	Middlesex County, . . .	-
Northampton, . . .	Hampshire County, . . .	9
Northborough, . . .	Worcester County, . . .	2
Northbridge, . . .	Worcester County, . . .	2
Northfield, . . .	Franklin County, . . .	2
Norton, . . .	Bristol County, . . .	-
Norwell, . . .	Plymouth County, . . .	-
Norwood, . . .	Norfolk County, . . .	3
Oakham, . . .	Worcester County, . . .	-
Orange, . . .	Franklin County, . . .	4
Orleans, . . .	Barnstable County, . . .	2
Otis, . . .	Berkshire County, . . .	-
Oxford, . . .	Worcester County, . . .	1
Palmer, . . .	Hampden County, . . .	5
Paxton, . . .	Worcester County, . . .	-
Peabody, . . .	Essex County, . . .	6
Pelham, . . .	Hampshire County, . . .	-
Pembroke, . . .	Plymouth County, . . .	-
Pepperell, . . .	Middlesex County, . . .	2
Peru, . . .	Berkshire County, . . .	-
Petersham, . . .	Worcester County, . . .	1
Phillipston, . . .	Worcester County, . . .	-
Pittsfield, . . .	Berkshire County, . . .	11
Plainfield, . . .	Hampshire County, . . .	-
Plymouth, . . .	Plymouth County, . . .	5
Plympton, . . .	Plymouth County, . . .	-
Prescott, . . .	Hampshire County, . . .	-
Princeton, . . .	Worcester County, . . .	-
Provincetown, . . .	Barnstable County, . . .	3
Quincy, . . .	Norfolk County, . . .	8
Randolph, . . .	Norfolk County, . . .	3
Raynham, . . .	Bristol County, . . .	-
Reading, . . .	Middlesex County, . . .	3
Rehoboth, . . .	Bristol County, . . .	-
Revere, . . .	Suffolk County, . . .	5



Richmond, . . . .	Berkshire County, . . . .	-
Rochester, . . . .	Plymouth County, . . . .	-
Rockland, . . . .	Plymouth County, . . . .	3
Rockport, . . . .	Essex County, . . . .	3
Rowe, . . . .	Franklin County, . . . .	-
Rowley, . . . .	Essex County, . . . .	1
Royalston, . . . .	Worcester County, . . . .	-
Russell, . . . .	Hampden County, . . . .	-
Rutland, . . . .	Worcester County, . . . .	-
Salem, . . . .	Essex County, . . . .	26
Salisbury, . . . .	Essex County, . . . .	-
Sandisfield, . . . .	Berkshire County, . . . .	-
Sandwich, . . . .	Barnstable County, . . . .	1
Saugus, . . . .	Essex County, . . . .	3
Savoy, . . . .	Berkshire County, . . . .	-
Scituate, . . . .	Plymouth County, . . . .	1
Seekonk, . . . .	Bristol County, . . . .	-
Sharon, . . . .	Norfolk County, . . . .	1
Sheffield, . . . .	Berkshire County, . . . .	1
Shelburne, . . . .	Franklin County, . . . .	2
Sherborn, . . . .	Middlesex County, . . . .	-
Shirley, . . . .	Middlesex County, . . . .	-
Shrewsbury, . . . .	Worcester County, . . . .	-
Shutesbury, . . . .	Franklin County, . . . .	-
Somerset, . . . .	Bristol County, . . . .	-
Somerville, . . . .	Middlesex County, . . . .	32
South Hadley, . . . .	Hampshire County, . . . .	2
Southampton, . . . .	Hampshire County, . . . .	1
Southborough, . . . .	Worcester County, . . . .	-
Southbridge, . . . .	Worcester County, . . . .	6
Southwick, . . . .	Hampden County, . . . .	-
Spencer, . . . .	Worcester County, . . . .	6
Springfield, . . . .	Hampden County, . . . .	39
Sterling, . . . .	Worcester County, . . . .	-
Stockbridge, . . . .	Berkshire County, . . . .	2
Stoneham, . . . .	Middlesex County, . . . .	4
Stoughton, . . . .	Norfolk County, . . . .	4
Stowe, . . . .	Middlesex County, . . . .	-
Sturbridge, . . . .	Worcester County, . . . .	2
Sudbury, . . . .	Middlesex County, . . . .	-
Sunderland, . . . .	Franklin County, . . . .	-
Sutton, . . . .	Worcester County, . . . .	1
Swampscott, . . . .	Essex County, . . . .	2
Swanzey, . . . .	Bristol County, . . . .	-
Taunton, . . . .	Bristol County, . . . .	13
Templeton, . . . .	Worcester County, . . . .	2
Tewksbury, . . . .	Middlesex County, . . . .	-

Tisbury, . . . .	Dukes County, . . . .	2
Tolland, . . . .	Hampden County, . . . .	—
Topsfield, . . . .	Essex County, . . . .	1
Townsend, . . . .	Middlesex County, . . . .	1
Truro, . . . .	Barnstable County, . . . .	1
Tyngsborough, . . . .	Middlesex County, . . . .	—
Tyringham, . . . .	Berkshire County, . . . .	—
Upton, . . . .	Worcester County, . . . .	1
Uxbridge, . . . .	Worcester County, . . . .	2
Wakefield, . . . .	Middlesex County, . . . .	5
Wales, . . . .	Hampden County, . . . .	—
Walpole, . . . .	Norfolk County, . . . .	2
Waltham, . . . .	Middlesex County, . . . .	15
Ware, . . . .	Hampshire County, . . . .	5
Wareham, . . . .	Plymouth County, . . . .	3
Warren, . . . .	Worcester County, . . . .	3
Warwick, . . . .	Franklin County, . . . .	—
Washington, . . . .	Berkshire County, . . . .	—
Watertown, . . . .	Middlesex County, . . . .	6
Wayland, . . . .	Middlesex County, . . . .	2
Webster, . . . .	Worcester County, . . . .	4
Wellesley, . . . .	Norfolk County, . . . .	2
Wellfleet, . . . .	Barnstable County, . . . .	—
Wendell, . . . .	Franklin County, . . . .	—
Wenham, . . . .	Essex County, . . . .	1
West Boylston, . . . .	Worcester County, . . . .	2
West Bridgewater, . . . .	Plymouth County, . . . .	1
West Brookfield, . . . .	Worcester County, . . . .	1
West Newbury, . . . .	Essex County, . . . .	—
West Springfield, . . . .	Hampden County, . . . .	3
West Stockbridge, . . . .	Berkshire County, . . . .	1
West Tisbury, . . . .	Dukes County, . . . .	—
Westborough, . . . .	Worcester County, . . . .	4
Westfield, . . . .	Hampden County, . . . .	5
Westford, . . . .	Middlesex County, . . . .	—
Westhampton, . . . .	Hampshire County, . . . .	—
Westminster, . . . .	Worcester County, . . . .	—
Weston, . . . .	Middlesex County, . . . .	—
Westford, . . . .	Bristol County, . . . .	—
Westwood, . . . .	Norfolk County, . . . .	—
Weymouth, . . . .	Norfolk County, . . . .	7
Whately, . . . .	Franklin County, . . . .	—
Whitman, . . . .	Plymouth County, . . . .	4
Wilbraham, . . . .	Hampden County, . . . .	1
Williamsburg, . . . .	Hampshire County, . . . .	1
Williamstown, . . . .	Berkshire County, . . . .	4
Wilmington, . . . .	Middlesex County, . . . .	—

Winchendon, . . .	Worcester County, . . . . .	2
Winchester, . . .	Middlesex County, . . . . .	4
Windsor, . . . .	Berkshire County, . . . . .	—
Winthrop, . . . .	Suffolk County, . . . . .	3
Woburn, . . . . .	Middlesex County, . . . . .	8
Worcester, . . . .	Worcester County, . . . . .	60
Worthington, . . .	Hampshire County, . . . . .	—
Wrentham, . . . .	Norfolk County, . . . . .	1
Yarmouth, . . . .	Barnstable County, . . . . .	1

During the past year my duties have called me to every portion of the State where drug stores are located, and to many cities and towns several times. Complaints made to the Board have been investigated, and, where a disposition has been shown to honestly comply with the provisions of the pharmacy laws, prosecutions have not followed. In cases where forbearance has ceased to be a virtue, prosecutions have been made necessary in order to protect the public and create a proper respect and observance of the pharmacy law.

#### RECAPITULATION.

Whole number of cities and towns in the Commonwealth, . . .	353
Number of cities and towns where drug stores are located, . . .	207
Number of towns without any drug store, . . . . .	146
Number of visits to cities and towns, . . . . .	357
Number of inspections made of drug stores, . . . . .	1,578
Number of complaints made to local authorities, . . . . .	34
Number of druggists prosecuted, . . . . .	32
Number of druggists convicted, . . . . .	31
Amount of fines imposed and paid, . . . . .	\$2,250
Number of complaints made to the Board and investigated, . . .	67
Number of formal complaints made to the Board, . . . . .	27
Number of drug stores closed, . . . . .	36
Number of drug stores found doing business without any registered person in charge, . . . . .	13
Number of sixth-class licenses revoked, . . . . .	7

By comparing this recapitulation with my report one year ago, you will observe that there is a marked change for the better, not caused by any extra endeavors put forth by your agent, but by a desire, on the part of the druggists themselves, to comply with the law.

The percentage which still requires the observation of the police authorities and the Board is yearly growing less, but

laws of every form will be violated in some degree by those viciously disposed, to which the pharmacy laws are no exception.

To those throughout the Commonwealth who have assisted me during the past year in the performance of my duties as your agent, my appreciation and thanks are due and are herewith extended.

Respectfully submitted,

SIMON B. HARRIS,

*Agent.*



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L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

---

1899.

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## LAWS RELATING TO PHARMACY.

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[CHAPTER 397, ACTS OF 1896, AS AMENDED BY THE ACTS OF 1898 AND 1899.]

### AN ACT TO REGULATE THE PRACTICE OF PHARMACY.

*Be it enacted, etc., as follows :*

SECTION 1. The board of registration in pharmacy shall consist of five persons. The appointments to fill vacancies occurring from expiration of terms of office shall be for five years from the first day of October in each year, and no person shall hereafter serve as a member of said board for more than five years, consecutively,—providing that the present members of said board shall continue to hold their offices during the terms for which they were severally appointed. The appointments to said board shall be made by the governor with the advice and consent of the council, and only skilled pharmacists, resident in the Commonwealth, who have had ten consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions and actively engaged in the drug business, shall be eligible, and not more than one member of said board shall be interested in the sale of drugs, medicines and chemicals and the compounding and dispensing of physicians' prescriptions in the same councillor district. Any member of said board may be removed from office for cause by the governor.

SECTION 2. The members of said board shall meet on the first Tuesday of October in each year at such time and place as they may determine, and shall immediately proceed to organize by electing a president and secretary, who shall be members of the board, and who shall hold their respective offices for the term of one year. The secretary shall give to the treasurer and receiver general of the Commonwealth a bond with sufficient sureties, to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold three regular meetings in each year, one on the first Tuesday of January, one on the first Tuesday of May and one on the first Tuesday of October, and such additional meetings at such times and places as they shall determine.

SECTION 3. The compensation, incidental and travelling expenses of the board shall be paid from the treasury of the Commonwealth.



The compensation of the members of the board shall be five dollars each for every day actually spent in the discharge of their duties and the amount actually paid by them for necessary travelling expenses in attending the meetings of the board, but in no case exceeding three cents per mile each way. The bills for such compensation and their incidental and travelling expenses shall be approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amounts due as in case of other bills and accounts approved by him under the provisions of law. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board, as aforesaid, is hereby appropriated, in addition to any amount authorized by the legislature for the purposes of this act.

SECTION 4. The board shall keep a record of the names of all persons examined and registered hereunder, and a record of all moneys received and disbursed by said board, a duplicate of which records shall always be open to inspection in the office of the secretary of the Commonwealth. Said board shall make to the governor on or before the first day of January in each year a report stating the condition of pharmacy in the state, with a full and complete record of all its official acts during the year, and the receipts and disbursements of the board.

#### REGISTRATION OF PHARMACISTS.

SECTION 5. Any person desiring to do business as a pharmacist shall, upon payment of a fee of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist, and shall receive a certificate signed by the president and secretary of said board.

Any person may be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of a fee of three dollars. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth.

SECTION 6. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 7. Said board shall hear all applications by registered pharmacists for the granting of sixth class licenses, whenever such hearing is required by the applicant, and all complaints made to them against any person registered as a pharmacist, charging him with suffering or permitting the use of his name or his certificate of registration by others in the conduct of the business of pharmacy when he himself is not the owner and actively engaged in such business;

engaging in, aiding or abetting the violation or, in his business as a pharmacist, violating any of the laws of the Commonwealth now under the supervision of the board of registration in pharmacy, and especially the laws relating to the sale of intoxicating liquor. Such complaint shall be under oath, shall set out the offence alleged, and shall be made within fifteen days of the date of the act complained of.

SECTION 8. Said board shall notify the person complained against of the charge made against him and of the time and place when and where the matter will be heard by them. He may then and there appear before the board with his witnesses and be heard by counsel. Any three of the members of the board shall be a quorum for such hearing. Either member of the board may administer oaths to the witnesses at such hearing, and any person so sworn who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Said board shall have the power to send for persons and compel the attendance of witnesses at said hearings, by process duly served.

SECTION 9. If the full board sitting at such hearing shall find that the person complained against is guilty of the acts charged against him said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, or may revoke it altogether, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after conviction by a court of competent jurisdiction.

SECTION 10. No license for the sale of spirituous or intoxicating liquors, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more such licenses shall be granted annually by the board of license commissioners of cities, the board of police of the city of Boston, or the selectmen of towns, to retail druggists or apothecaries, if it shall appear that the applicant is a fit person to receive such license, is not disqualified to receive the same under section sixteen of this act, and is a registered pharmacist actively engaged in business on his own account, and if he shall also present to the licensing board a certificate of fitness as provided in section eleven of this act. Retail druggists and apothecaries shall not be subject to the second clause of section nine of chapter one hundred of the Public Statutes when the sale is made, as hereinafter provided, upon the prescription of a physician.

SECTION 11. The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquor a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he

is a proper person to be entrusted with such license and that the public good will be promoted by the granting of said license. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. Such complaints shall be in writing, specifying the reason, if any, why a certificate should be withheld. For each certificate so granted by the board of registration in pharmacy said board shall be entitled to receive a fee not exceeding one dollar, to be paid by the applicant.

SECTION 12. Any license for the sale of intoxicating liquor, of the sixth class, shall become null and void, without any process or decree, whenever the registered pharmacist to whom it has been granted shall cease to conduct his business in person and on his own account, or upon the revocation of his registration as such pharmacist and of his certificate thereof, excepting cases where the registered pharmacist has died or become incapacitated, and his business is continued by his widow, executor or administrator, under a registered pharmacist.

SECTION 13. Sales of intoxicating liquor of any kind by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation.

SECTION 14. A book shall be kept by every retail druggist and apothecary in which he shall enter at the time of every such sale the date thereof, the name of the purchaser, who shall also sign his name in said book as part of said entry, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is also made upon the prescription of a physician the book shall also contain the name of the physician and state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.	Signature of Purchaser.
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SECTION 15. The book, certificates and prescriptions before provided for or referred to, shall at all times be open in the city of Boston to the inspection of the board of police, and in all the cities

and towns of the Commonwealth to the inspection of the mayor and aldermen, board of license commissioners, selectmen, overseers of the poor, sheriff, constables, police officers, and justices of the peace.

SECTION 16. Any person making or issuing a false or fraudulent certificate or prescription referred to in sections thirteen or fourteen of this act may be prosecuted therefor, and upon conviction may be fined ten dollars. Any retail druggist or apothecary violating any of the provisions of sections thirteen, fourteen and fifteen of this act shall, upon conviction thereof, be punished by fine of not less than fifty nor more than five hundred dollars, or imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. He shall in addition to said penalties forfeit his license and be disqualified to hold a license for the period of one year after his conviction, and if the licensee is the owner of the premises no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

SECTION 17. Any person not being a registered pharmacist who shall procure a sixth class license for the sale of intoxicating liquors, in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall by himself or his servants sell intoxicating liquor, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned in the house of correction for a term of not less than one month nor more than six months, and the provisions of section eight of chapter two hundred and fifteen of the Public Statutes shall not apply to such sentence.

SECTION 18. Whoever not being registered as aforesaid shall, by himself or his agent or servant, unless such agent or servant is so registered, retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in a jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicines shall be forfeited, and destroyed under the direction of the court.

SECTION 20. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral, hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large black letters the word, Poison, and also the word, Antidote, and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this act shall be construed to apply to wholesale dealers and to manufacturing chemists in their sales to the retail trade, nor to the general merchant, who may sell in unbroken packages containing not less than one quarter of a pound, Paris green, London purple, or other arsenical poisons for the sole purpose of destroying potato bugs or other insect life upon plants, vines or trees: *provided*, that such merchant complies with the provisions of this section in respect to recording such sale and labelling each package sold.

#### GENERAL PROVISIONS.

SECTION 21. It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such

cases to the notice of the proper prosecuting officers, and especially to prosecute all persons violating section seventeen of this act.

SECTION 22. In order properly to carry out the provisions of this act the board of registration in pharmacy may expend annually a sum not exceeding two thousand dollars, and an itemized statement of all expenses incurred shall be filed with the auditor of the Commonwealth, who, after they have been properly approved, shall allow them in the same manner as other claims against the Commonwealth.

SECTION 23. This act shall not apply to physicians putting up their own prescriptions or dispensing medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any member of a copartnership, other than a registered pharmacist, be liable to the penalties hereof: *provided*, that such non-registered member shall not retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, except under the personal supervision of a registered pharmacist.

SECTION 24. Sections five and six of chapter two hundred and eight of the Public Statutes, chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five, chapters two hundred and sixty-seven and four hundred and thirty-one of the acts of the year eighteen hundred and eighty-seven, chapter two hundred and nine of the acts of the year eighteen hundred and eighty-eight, chapters two hundred and twenty-seven and four hundred and seventy-two of the acts of the year eighteen hundred and ninety-three, and chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-four, are hereby repealed. [*Approved May 15, 1896.*]



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PUBLIC DOCUMENT . . . .

. . . . No. 39.

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UNIV. OF MICH

OCT 18 1909

**FIFTEENTH ANNUAL REPORT**

OF THE

**MASSACHUSETTS BOARD OF REGISTRATION  
IN PHARMACY**

**FOR THE YEAR 1900.**

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**BOSTON :**  
**WRIGHT & POTTER PRINTING CO., STATE PRINTERS,**  
**18 POST OFFICE SQUARE.**  
**1901.**





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FIFTEENTH ANNUAL REPORT

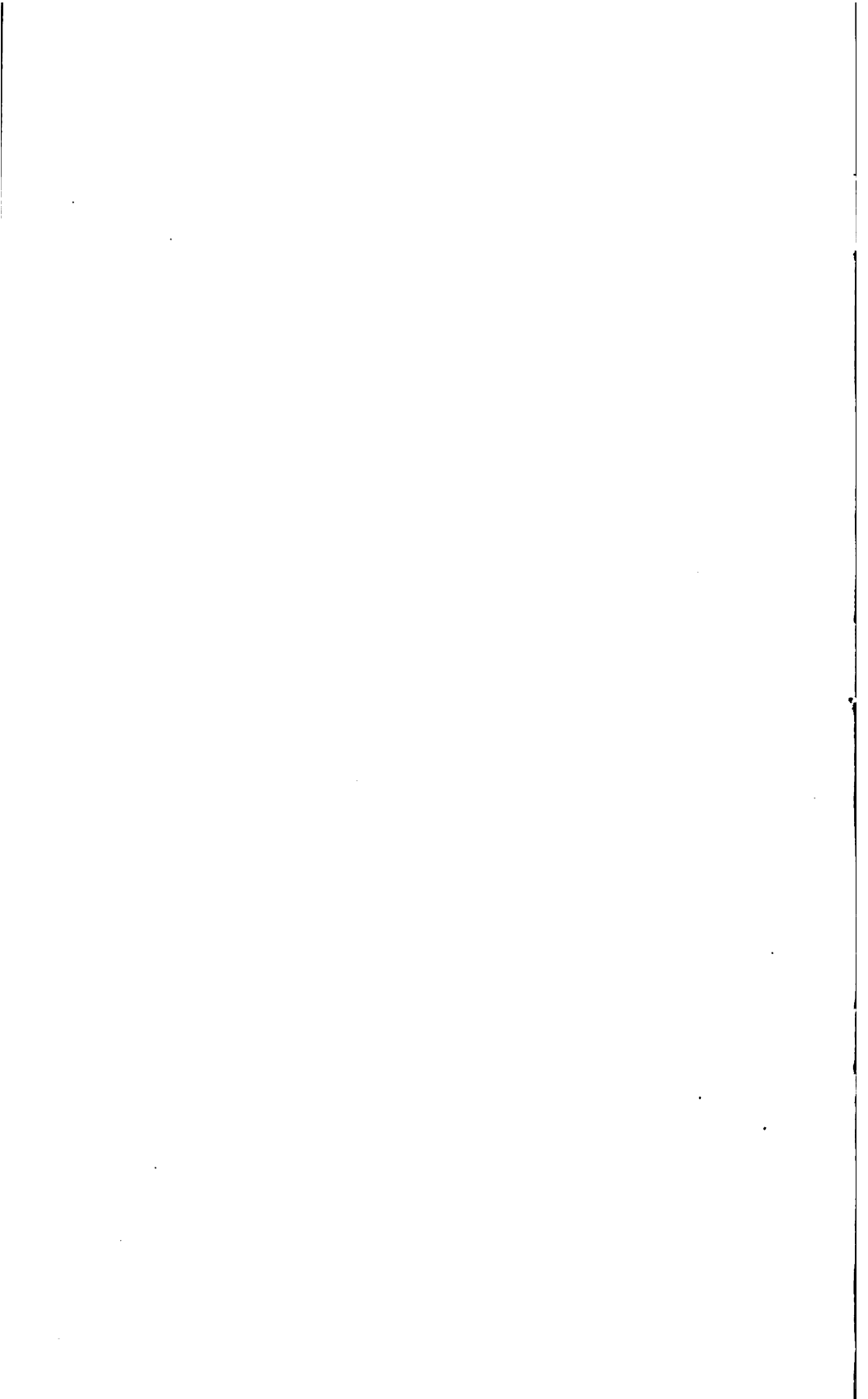
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FOR THE YEAR 1900.

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# Commonwealth of Massachusetts.

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## REPORT.

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BOSTON, MASS., Oct. 1, 1900.

To His Excellency W. MURRAY CRANE, *Governor*.

SIR : — In accordance with custom and as provided by statute, we present our fifteenth annual report for the year ending Oct. 1, 1900, showing “the condition of pharmacy in the State,” and more particularly our labors in connection therewith.

That pharmacists have seriously suffered from unjust taxation and cut-rate competition cannot be denied ; it is not our province to discuss or enlarge upon these problems. We have strong hopes that relief is near at hand, and that the government will soon readjust the stamp tax, placing the burden where it can be more equitably borne and where protection is afforded, and that a fair remuneration may be given those who toil in a profession requiring special skill and having to do with the agents of life and death.

Looking backward through the years since the organization of the Board, we perceive advancement has been made in the professional standing and in the qualifications of pharmacists, largely due to the excellent opportunities afforded within our own State for pharmaceutical instruction, and to the maintenance of a standard to which all must attain before being legally qualified to engage in the business or profession. We would emphasize the need of a proper preliminary education for all persons entering the business and desiring or intending to become pharmacists. Every young man or woman should seize the opportunity so generously afforded by our public school system for a high school education. Instances not a few have

come to our observation where persons who have omitted so to do have toiled through a period of years only to find the coveted prize raised still higher, and more basic knowledge required. Latin prescriptions cannot be translated without a knowledge of the language, neither can chemical problems be solved without mathematical knowledge.

#### PRACTICAL OR LABORATORY WORK.

It has long been our desire, in connection with our examinations, to test the skill of candidates in compounding prescriptions, and ascertain their fitness by laboratory work. Owing to the expense involved, we have not felt justified in beginning same when comparison was made with our receipts. The evident intent of the law when first enacted was that the educational department of our work should be self-supporting, the fees paid meeting the expenses, necessitating the examination of a larger number each day than was consistent or proper. The appropriation withheld during the early months of the last session of the Legislature, and afterward granted, will enable us to properly equip and furnish the rooms, and soon candidates will be required to demonstrate their fitness by practical work performed in the presence of one or more members of the Board.

#### PHARMACY LAWS.

The American Pharmaceutical Association has had under consideration since 1869 the drafting of a general form of pharmacy law. Committees have been appointed to consult with boards of pharmacy and pharmaceutical associations in the United States and Canada. Their reports and drafts have been printed, widely circulated and discussed at the annual meetings of the association, until, at their last session, a "Model Law" was submitted by Prof. J. H. Beal of Scio, O., who frankly stated that he presented a workable draft, conservative in tone, embodying certain general principles and constructed as nearly as possible of tried and tested material, selected from statutes now in force, whose provisions have stood the test of experience and produced beneficial results in practice. This final draft was accepted by the association. Among its important provisions are: —

*First.* — It shall be unlawful for any person not licensed as a pharmacist, within the meaning of the act, to *own*, conduct or manage any pharmacy, drug or chemical store, apothecary shop or other place of business for the retailing, compounding or dispensing of any drugs, chemicals or poisons, or for the compounding of physicians' prescriptions, or to keep exposed for sale at retail any drugs, chemicals or poisons, except as specially provided; which special provisions are for aids or assistants to registered pharmacists, for the non-interference with any legally registered practitioner of medicine or dentistry in compounding their own prescriptions or supplying their patients, or with the exclusively wholesale business of any dealer registered as a pharmacist or keeping in his employ at least one person so registered, or with the sale of non-poisonous domestic remedies, patent or proprietary preparations containing poisonous ingredients, or the sale of poisonous substances sold exclusively for use in the arts or for insecticides, if sold in unbroken packages labelled "Poison," and having the names of at least two readily obtainable antidotes. Further provision is made for villages of not more than five hundred inhabitants, whereby the Board of Pharmacy may grant permits to persons to conduct a store or sell such drugs and medicines as in their judgment may be required.

The laws of this State are nearly in accord with the above. The amendment to the law enacted at the last session of the Legislature prohibits persons not registered as pharmacists from selling or dispensing or keeping or exposing for sale at retail drugs, medicines or chemicals.

*Second.* — Certain requirements as to age and experience are established, which must be verified under oath before applicants can appear for examination before a board. When certificates are granted, they are for a limited period.

In this particular the laws of our State are defective. Since the enactment of the original pharmacy law, in 1885, to Oct. 1, 1900, 3,953 certificates have been issued. To our best knowledge, about 2,500 of these certificates are in use. Our agent is constantly finding certificates displayed, the persons owning the same either being deceased or having retired or forsaken the business, leaving behind their certificates, which are sometimes used by unscrupulous persons for illegal pur-

poses. We therefore earnestly recommend a re-registration of all persons now engaged in the practice of pharmacy, — not a *re-examination*, but a *renewal of certificates*; and that when issued they shall be for a limited period, — either two, three or five years from date, — thus providing for the future. This can be accomplished by charging a nominal fee sufficient to defray expenses, or by an appropriation by the State. The benefit resulting to the general public would, we believe, justify the latter.

*Third.* — Discretionary power is given boards whereby they may refuse to grant a certificate to any person guilty of felony or gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practise pharmacy. They may also, after due notice and hearing, revoke a license for like cause, or any license procured by fraud. The right of appeal from the action of the Board in refusing to grant or in revoking a certificate for such cause is provided for by taking the same to the Governor or Attorney-General, whose decision, either affirming or overruling the action of the Board, is final.

Under section 9 of the Massachusetts law, power is now given to suspend or revoke certificates, as may be decided for the best interest of the public. This power to revoke has been exercised in 27 cases in seven years. In most of these cases, aside from the offence committed, evidence was produced showing confirmed habits of life which unfitted them for the practice of pharmacy, and in the judgment of the Board the public good demanded such action. Necessarily the facts in such cases are withheld from the public. The evidence taken by a stenographer is on file in the office, but is not considered as public records. Whenever there has been a reasonable prospect of a reform in habits or conduct, the matter has received due consideration. But three certificates have been revoked during the past year.

*Concerning the Sale of Poisons.* — A more extended list is embraced, and patent articles are not recognized by name, but included as poisonous compounds, preparations or combinations of certain poisons, which are specified and enumerated. A wise provision is made that books of record of sales shall be preserved at least five years, which also applies to the preser-

vation of the original of every prescription compounded or dispensed for the same length of time.

Other general provisions, such as making unlawful peddling or vending in the street any drug, medicine or chemical, or any combination or composition thereof, or any implement of appliance or other agency for the treatment of disease. The exhibition of the title of pharmacist or any other title or description of like import, not being authorized so to do, is also unlawful. Penalties are provided for violations, and any license permit or renewal thereof obtained through fraud or by false or fraudulent representations is made void and of no effect in law.

We have made this extended reference, having in mind possible improvements in the pharmacy laws of this State. We have not overlooked the fact that our present laws have in them much to commend, nor the results obtained therefrom.

#### ENFORCEMENT OF THE PHARMACY LAW.

In the discharge of the duties of this and the liquor certificate department, we have been ably assisted and faithfully served by our agent. His annual tour of the State has brought him into close contact with pharmacists. He has conducted his investigations in a fair, open, honorable manner. "Spotter evidence," as it is termed, has not been sought by him or desired by the Board.

In these days of enlightenment we realize that ignorance of the law is no excuse. We can, however, attribute much of the ready compliance to the provisions of the pharmacy law to the information imparted by our agent concerning changes in legislation affecting their duties, which might otherwise have escaped notice.

#### REGISTRATION OF SALES OF LIQUOR.

The law requires that sales of intoxicating liquor of any kind (which includes alcohol) by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation (section 13, chapter 397,



Acts of 1896). It also requires that there shall be a book of record, the form of which is also provided (see section 14 of same chapter).

The intent of the law was that there should be a certificate, which is in the form of an application. After cancellation and completion of the sale, it was to be entered in a book of record, the purchaser signing the book as part of the entry. The practice of having a book combining the two, as a matter of convenience, is almost universal. The failure to have the customer sign in two places, viz., the application and receipt for the purchase, leaves the record or certificate incomplete, and the otherwise law-abiding pharmacist is considered blameworthy, his records being incomplete. He is liable to be reprimanded by officers, courts and possibly by the Board granting certificate of fitness, and by reason of such omission considered an unfit person to receive and exercise the privilege of a sixth-class license. A full and complete record of the transaction should be made. The customer should sign the book of record as a part of the entry.

We can see no good reason for maintaining a law requiring certificates in addition to the record, the law being of little or no effect, and an annoyance to worthy people, who fail to understand why they should sign twice in the same book; and to the pharmacist, who now has difficulty in obtaining signatures, many reputable persons refusing to sign until the law is explained to them as being imperative and the completion of the record absolutely necessary. The dishonest and unworthy are not so particular, and will sign any number of times to secure what they desire.

The report of the secretary of the Board, showing date of meetings and the receipts and expenditures of the different departments, is herewith inserted.

## SECRETARY'S REPORT.

*Examination Account.*

Meetings for examinations have been held on dates and with results as follows :—

1899-1900.	Days.	Examined.	Registered.	Rejected.
October 3-4, . . . . .	2	23	2	21
November 14-15, . . . . .	2	26	3	23
January 2-3-4, . . . . .	3	32	2	30
February 20-21, . . . . .	2	28	6	22
March 20-21, . . . . .	2	29	6	23
April 17-18, . . . . .	2	27	3	24
May 1, . . . . .	1	15	1	14
May 15-16, . . . . .	2	22	1	21
June 5-6, . . . . .	2	27	3	24
June 25-26-27, . . . . .	3	48	7	41
September 18-19, . . . . .	2	29	3	26
Totals, . . . . .	23	306	37	269

Of the thirty-seven certificates granted this year :—

2 passed on first examination.	1 passed on seventh examination.
15 " " second "	3 " " eighth "
5 " " third "	1 " " ninth "
4 " " fourth "	2 " " tenth "
4 " " fifth "	

## FINANCIAL STATEMENT FROM OCT. 1, 1899, TO OCT. 1, 1900.

Oct. 1, 1899, cash in State treasury, . . . . .	\$282 74
Received during the year :—	
Fees from applicants, 107 at \$5, . . . . .	\$535 00
Fees from applicants, 212 at \$3, . . . . .	636 00
For duplicate certificates, . . . . .	7 00
	<u>1,178 00</u>
Total, . . . . .	\$1,460 74

*Expenditures.*

	Services.	Expenses.	Total.
John Larrabee, president, . . . . .	\$105 00	\$19 72	\$124 72
Amos K. Tilden, secretary, . . . . .	217 50	14 06	231 56
F. H. Butler, . . . . .	105 00	52 30	157 30
John A. Rice, . . . . .	65 00	87 27	152 27
Charles F. Nixon, . . . . .	140 00	61 40	201 40
	<hr/>	<hr/>	<hr/>
	\$632 50	\$234 75	\$867 25
A. K. Tilden, drugs, stamps, etc., . . . . .	\$13 93		
C. F. Nixon, drugs, . . . . .	3 90		
J. L. Fairbanks & Co., . . . . .	10 00		
J. L. Hammett & Co., . . . . .	10 00		
Wright & Potter Printing Company, . . . . .	36 71		
H. W. Stone, engrossing certificates, . . . . .	5 10		
E. L. Patch Company, drugs, . . . . .	6 72		
Thompson & Hill, printing, . . . . .	5 25		
	<hr/>		
		91 61	
		<hr/>	
			\$958 86
Balance in State treasury, . . . . .			\$501 88

*Liabilities.*

Applicants not examined, fees paid: —			
Prior to Oct. 1, 1899: —			
39 at \$5, . . . . .	\$195 00		
48 at \$3, . . . . .	144 00		
	<hr/>		
		\$339 00	
From Oct. 1, 1899, to Oct. 1, 1900: —			
17 at \$5, . . . . .	\$85 00		
22 at \$3, . . . . .	66 00		
	<hr/>		
		151 00	
Total, . . . . .		<hr/>	\$490 00

*Liquor Certificate Applications.*

Applications received from Oct. 1, 1899, to March 1, 1900, to expire May 1, 1900, . . . . .	56
Certificates granted, . . . . .	27
Applications rejected or withdrawn, . . . . .	29
Applications received from March 1, 1900, to Oct. 1, 1900, to expire May 1, 1901, . . . . .	1,250
Certificates granted, . . . . .	1,104
Applications refused or withdrawn, . . . . .	143
Transferred to new account, . . . . .	3

Total number of applications for the year, . . . . .	1,306
Total number of certificates granted, . . . . .	1,131
Total number of applications rejected or with-	
drawn, . . . . .	172
Transferred to new account, . . . . .	3
Received for liquor certificates, . . . . .	\$1,306 00
Returned to rejected applicants, . . . . .	\$172 00
Paid to State Treasurer, . . . . .	1,131 00
Transferred, . . . . .	3 00

## FINANCIAL STATEMENT FROM OCT. 1, 1899, TO OCT. 1, 1900.

	Services.	Expenses.	Total.
John Larrabee, president, . . . . .	\$327 50	\$32 21	\$359 71
Amos K. Tilden, secretary, . . . . .	617 50	20 57	638 07
F. H. Butler, . . . . .	80 00	30 20	110 20
John A. Rice, . . . . .	25 00	45 74	70 74
Charles F. Nixon, . . . . .	75 00	35 10	110 10
Simon B. Harris, agent, . . . . .	785 00	379 52	1,164 52
Lucie I. Barrett, . . . . .	570 00	-	570 00
	<hr/>	<hr/>	<hr/>
	\$2,480 00	\$543 34	\$3,023 34
A. K. Tilden, witness fees, . . . . .	\$24 75		
Press Clipping Bureau, . . . . .	10 95		
Wyckoff, Seamans & Benedict, . . . . .	13 90		
New England Telegraph and Telephone			
Company, . . . . .	4 05		
Wright & Potter Printing Company, . . . . .	2 88		
Sampson, Murdock & Co., . . . . .	5 00		
J. L. Fairbanks & Co., . . . . .	30 63		
Spatula Publishing Company, . . . . .	15 00		
	<hr/>	<hr/>	<hr/>
		107 16	
Total, . . . . .			\$3,130 50
Meetings on liquor certificate applications, . . . . .			23
Hearings on liquor certificate applications, . . . . .			85

*Enforcement of Pharmacy Law.*

## SUMMARY.

Number of meetings for enforcement of pharmacy law, . . . . .	11
Number of hearings on violations of pharmacy law, . . . . .	14
Number of certificates revoked altogether, . . . . .	3
Number of certificates suspended for five years, . . . . .	1
Number of certificates suspended for two years, . . . . .	1
Number of certificates suspended for one year, . . . . .	2
Number of certificates suspended for six months, . . . . .	3
Number of certificates suspended for sixty days, . . . . .	1
Number of cases placed on file, . . . . .	1
Number of cases continued for sentence, . . . . .	2
Formal complaints to the Board, . . . . .	33

## FINANCIAL STATEMENT FROM OCT. 1, 1899, to OCT. 1, 1900.

	Services.	Expenses.	Total.
John Larrabee, president, . . .	\$40 00	\$7 62	\$47 62
Amos K. Tilden, secretary, . . .	170 00	6 00	176 00
F. H. Butler, . . . . .	50 00	23 00	73 00
John A. Rice, . . . . .	15 00	25 35	40 35
Charles F. Nixon, . . . . .	75 00	65 30	140 30*
Lucie I. Barrett, . . . . .	150 00	-	150 00
Simon B. Harris, agent, . . .	810 00	366 26	1,176 26
	<u>\$1,310 00</u>	<u>\$493 53</u>	<u>\$1,803 53</u>
A. K. Tilden, witness fees, . . . . .	\$59 80		
J. L. Fairbanks & Co., . . . . .	2 00		
F. S. Blanchard & Co., Year Book, . . . . .	3 00		
Wright & Potter Printing Company, . . . . .	2 25		
		<u>67 05</u>	
Total, . . . . .			<u>\$1,870 58</u>

We submit the report of our agent as a part of this report.

The office has been open daily, and meetings held by the Board whenever required, for hearings, the examination of candidates and the despatch of business.

Respectfully submitted,

JOHN LARRABEE, *President.*

AMOS K. TILDEN, *Secretary.*

JOHN A. RICE.

F. H. BUTLER.

C. F. NIXON.

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\* Expenses, \$64.50, as delegate to the Pure Food and Drug Congress at Washington, D. C.

## AGENT'S REPORT.

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*To the Board of Registration in Pharmacy.*

GENTLEMEN:—Herewith is a statistical report compiled during the past year by your agent, together with records relative to the business and the enforcement of pharmacy laws during the year just closed.

The following-named registered pharmacists have died during the past year:—

A. E. Ayers, . . . Boston.	E. F. Faulkner, Jr., . Lowell.
F. W. Day, . . . Boston.	F. G. Foster, . . . Northbridge.
Edward Rogers, Jr., Boston.	Franklin Porter, . . Randolph.
W. L. Tilden, . . . Boston.	G. A. D. Stickney, . . Salem.
Louis N. Tower, . . Boston.	T. H. Fenelon, . . . Somerville.
William H. Knight, . Boston.	F. A. Spencer, . . . Spencer.
F. W. Gilcreas, . . Belmont.	G. W. Gelineau, . . Springfield.
John Buck, . . . Chelsea.	F. R. Wood, . . . Taunton.
Frederick W. Willis, Dedham.	Thomas F. Kelley, . Waltham.
E. S. Anthony, . . . Fall River.	H. L. Coe, . . . Watertown.
William G. Bennett, Fall River.	C. S. Hannum, . . . Westfield.
Henry C. Willard, . Greenfield.	L. C. Flanagan, . . Weymouth.
L. G. Babcock, . . . Lexington.	Allan Clark, . . . Worcester.

They were honorable gentlemen, respected in the communities in which they resided, and interested in the welfare of their chosen profession.

With but few exceptions, the pharmacy laws have been well observed by registered pharmacists during the past year, 97½ per cent. of the pharmacists having conducted their business in such a manner that no complaints have been made to the Board of Registration in Pharmacy against them. The balance of 2½ per cent., together with unregistered persons engaged in the pharmacy business, have required the supervision of the Board in connection with the local officers.

Chapter 317, Acts of 1900, which prohibits unregistered proprietors from engaging in the pharmacy business, even though they have in their employ a registered clerk, is proving to be one of the most beneficial to the business, its enforcement putting the dispensing of drugs, medicines, chemicals and poisons into skilful and competent hands. During the past year, of the number of prosecuted and convicted, 18 were unregistered proprietors. The above act was approved May 16 last past, and since that time the attention of non-registered proprietors has been called to the matter in question. The department stores have cheerfully decided to conform to the law by forming stock companies and turning the pharmacy business over to the supervision of registered pharmacists, who, in accordance with chapter 106, Acts of 1900, own stock to the actual value of \$500 in the incorporated companies, and who conduct the business in person. Others have voluntarily sold out and given up the business, while still others have been driven out by process of law.

Your attention is called to the fact that many certificates of registration in pharmacy are and have been in evidence throughout the State, with no owner to take charge of them. Some belong to persons deceased; others to those who have left the State; others have been carelessly left where they were last displayed, and whether the owners are dead or alive remains unknown; while still other certificates have been revoked altogether for cause. If some means could be devised whereby the registered pharmacists in the Commonwealth could be correctly known, eliminating those certificates which have become obsolete, thus enabling the Board to correctly record the registered pharmacists of Massachusetts, and inform the public who is registered and who is not, very beneficial results would follow, not only preventing imposition upon registered pharmacists, but acting as an important safeguard to the public.

A noticeable feature in the conduct of the pharmacy business in Massachusetts during the past few years is the material improvement in the appearance of the stores, viz., very elaborate fixtures, including plate-glass show cases, dazzling show bottles, tile floors, elegant soda fountains, all going to show a pardonable pride, amounting almost to rivalry, taken by pharmacists in their business, which has come to be a profession.

In the enforcement of the pharmacy laws during the year strange developments have come to light, in some instances quite unique, a synopsis of which may be somewhat interesting.

In one instance a lawyer persisted in conducting the pharmacy business, he being unregistered, notwithstanding the late act governing such cases. It required three prosecutions to convince him he was wrong. The store was closed.

Another remarkable case was the seizing of thirty-three cases of lager beer and nearly a barrel of whiskey on the Lord's Day, from a druggist whose place of business was within one hundred feet of the police station.

Another was the fact that the druggist's whiskey came in quart bottles packed in sugar barrels marked "Fruit Juice." This was in a no-license town, notwithstanding we have a very stringent transportation act on our statute book. He decided not to transport any more liquor that way.

Another said, upon being interviewed, "I don't use much liquor anyway;" but, upon looking over his stock, three empty whiskey barrels were found upon which the United States gauger had put his stamp within the last sixty days. A conviction in court followed.

Another case was that of an applicant before the Board for a recommendation to obtain a sixth-class license. A visit was made to the store of the applicant on the Lord's Day. Your agent, upon entering the store, was confronted by the proprietor, who excitedly said, in a confidential manner, "Mr. Harris, I would rather you would not see what is going on in the back room." My reply was, "We can see now what is going on," the door leading to the room in question being open. In full view were a dozen men with lager beer bottles and glasses of beer in their hands, in the act of drinking. "Oh, I am so sorry," said the proprietor, "that this has happened." My reply was, "You are sorry that you have been caught violating the liquor law on the Lord's Day." It cost him his license.

#### RECAPITULATION.

Number of druggists deceased, . . . . .	26
Number of drug stores in the Commonwealth, . . . . .	1,574
Number of stores closed, . . . . .	28
Number of stores found without any registered person connected therewith, . . . . .	12



Number of complaints made to the Board and investigated, . . .	89
Number of complaints investigated and reported to the proper prosecuting officers, . . . . .	61
Number of prosecutions, . . . . .	57
Number convicted, . . . . .	47
Number of continued cases in court, . . . . .	11
Amount of fines paid, . . . . .	\$3,720
Number of formal complaints made to the Board, . . . . .	33

The above recapitulation shows that there are still some in the business who have not a proper respect and observance of the law; and it is to be regretted that there are those in the business of pharmacy who require the attention of the courts, the police and the Board of Registration in Pharmacy in order to compel them to cease violating the law made in the interest of good pharmacy and for the protection of the public.

In conclusion, the thanks of your agent are herewith extended to the various officers throughout the Commonwealth who have rendered valuable assistance in the enforcement of the pharmacy law, believing that a public service has been rendered.

Respectfully submitted,

SIMON B. HARRIS,  
*Agent.*

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L A W S

RELATING TO

THE PRACTICE OF PHARMACY

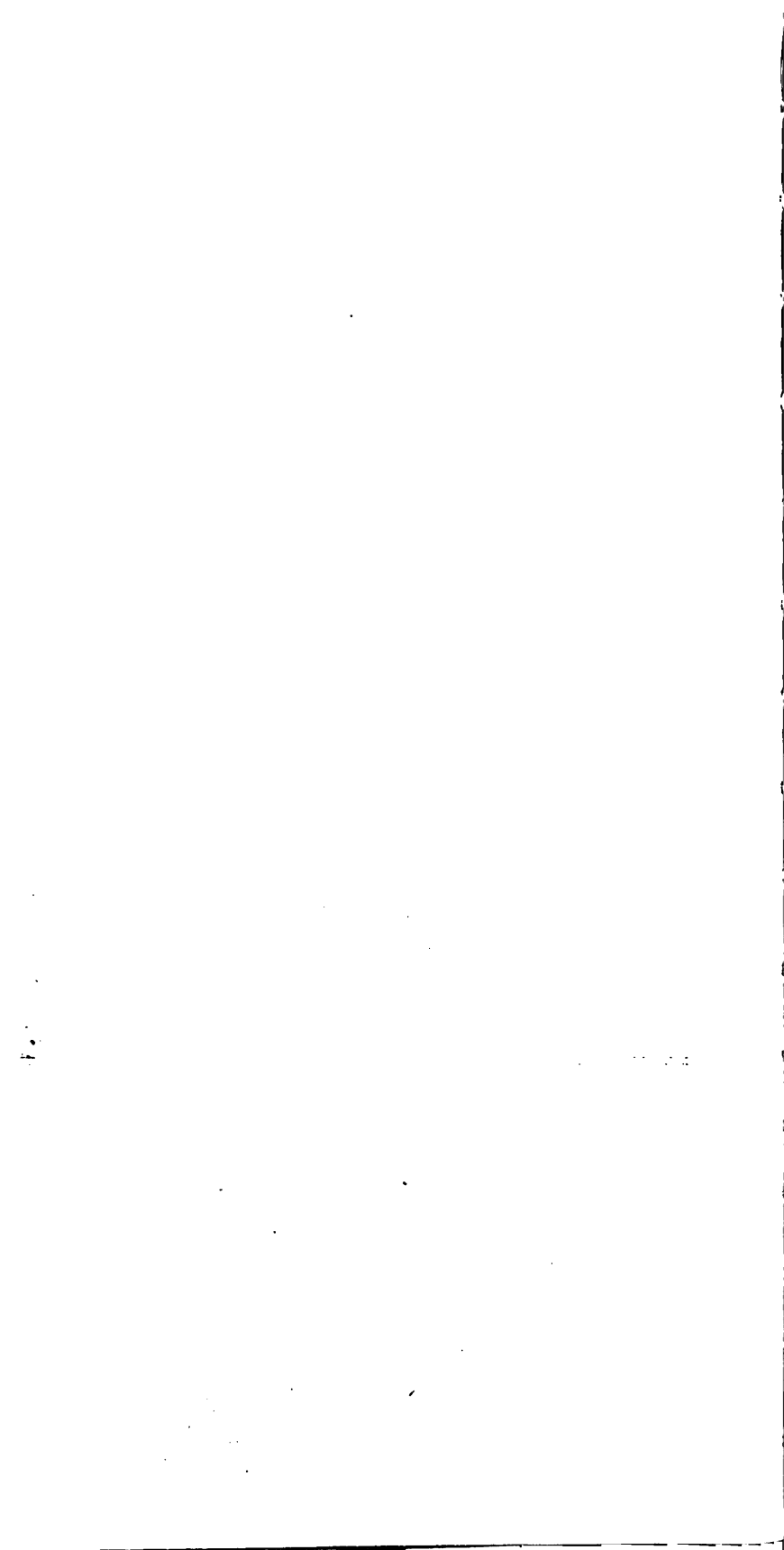
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## LAWS RELATING TO PHARMACY.

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[CHAPTER 397, ACTS OF 1896, AS AMENDED BY THE ACTS OF 1898, 1899 AND 1900.]

### AN ACT TO REGULATE THE PRACTICE OF PHARMACY.

*Be it enacted, etc., as follows :*

SECTION 1. The board of registration in pharmacy shall consist of five persons. The appointments to fill vacancies occurring from expiration of terms of office shall be for five years from the first day of October in each year, and no person shall hereafter serve as a member of said board for more than five years, consecutively,—providing that the present members of said board shall continue to hold their offices during the terms for which they were severally appointed. The appointments to said board shall be made by the governor with the advice and consent of the council, and only skilled pharmacists, resident in the Commonwealth, who have had ten consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions and actively engaged in the drug business, shall be eligible, and not more than one member of said board shall be interested in the sale of drugs, medicines and chemicals and the compounding and dispensing of physicians' prescriptions in the same councillor district. Any member of said board may be removed from office for cause by the governor.

SECTION 2. The members of said board shall meet on the first Tuesday of October in each year at such time and place as they may determine, and shall immediately proceed to organize by electing a president and secretary, who shall be members of the board, and who shall hold their respective offices for the term of one year. The secretary shall give to the treasurer and receiver general of the Commonwealth a bond with sufficient sureties, to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold three regular meetings in each year, one on the first Tuesday of January, one on the first Tuesday of May and one on the first Tuesday of October, and such additional meetings at such times and places as they shall determine.

SECTION 3. The compensation, incidental and travelling expenses of the board shall be paid from the treasury of the Commonwealth.

The compensation of the members of the board shall be five dollars each for every day actually spent in the discharge of their duties and the amount actually paid by them for necessary travelling expenses in attending the meetings of the board, but in no case exceeding three cents per mile each way. The bills for such compensation and their incidental and travelling expenses shall be approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amounts due as in case of other bills and accounts approved by him under the provisions of law. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board, as aforesaid, is hereby appropriated, in addition to any amount authorized by the legislature for the purposes of this act.

SECTION 4. The board shall keep a record of the names of all persons examined and registered hereunder, and a record of all moneys received and disbursed by said board, a duplicate of which records shall always be open to inspection in the office of the secretary of the Commonwealth. Said board shall make to the governor on or before the first day of January in each year a report stating the condition of pharmacy in the state, with a full and complete record of all its official acts during the year, and the receipts and disbursements of the board.

#### REGISTRATION OF PHARMACISTS.

SECTION 5. Any person desiring to do business as a pharmacist shall, upon payment of a fee of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist, and shall receive a certificate signed by the president and secretary of said board.

Any person may be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of a fee of three dollars. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth.

SECTION 6. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 7. Said board shall hear all applications by registered pharmacists for the granting of sixth class licenses, whenever such hearing is required by the applicant, and all complaints made to them against any person registered as a pharmacist, charging him with suffering or permitting the use of his name or his certificate of registration by others in the conduct of the business of pharmacy when he himself is not the owner and actively engaged in such business;

engaging in, aiding or abetting the violation or, in his business as a pharmacist, violating any of the laws of the Commonwealth now under the supervision of the board of registration in pharmacy, and especially the laws relating to the sale of intoxicating liquor. Such complaint shall be under oath, shall set out the offence alleged, and shall be made within fifteen days of the date of the act complained of.

SECTION 8. Said board shall notify the person complained against of the charge made against him and of the time and place when and where the matter will be heard by them. He may then and there appear before the board with his witnesses and be heard by counsel. Any three of the members of the board shall be a quorum for such hearing. Either member of the board may administer oaths to the witnesses at such hearing, and any person so sworn who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Said board shall have the power to send for persons and compel the attendance of witnesses at said hearings, by process duly served.

SECTION 9. If the full board sitting at such hearing shall find that the person complained against is guilty of the acts charged against him said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, or may revoke it altogether, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after conviction by a court of competent jurisdiction.

SECTION 10. No license for the sale of spirituous or intoxicating liquors, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more such licenses shall be granted annually by the board of license commissioners of cities, the board of police of the city of Boston, or the selectmen of towns, to retail druggists or apothecaries, if it shall appear that the applicant is a fit person to receive such license, is not disqualified to receive the same under section sixteen of this act, and is a registered pharmacist actively engaged in business on his own account, and if he shall also present to the licensing board a certificate of fitness as provided in section eleven of this act. Retail druggists and apothecaries shall not be subject to the second clause of section nine of chapter one hundred of the Public Statutes when the sale is made, as hereinafter provided, upon the prescription of a physician. [Amended by chapter 106, Acts of 1900, as follows: Section ten of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by adding at the end thereof the following:—  
A registered pharmacist who owns stock to the actual value of at

least five hundred dollars in a company incorporated for the purpose of carrying on the drug business and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account within the meaning of this act, and may be considered as qualified to receive such a license for said store.]

SECTION 11. The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquor a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting of said license. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. Such complaints shall be in writing, specifying the reason, if any, why a certificate should be withheld. For each certificate so granted by the board of registration in pharmacy said board shall be entitled to receive a fee not exceeding one dollar, to be paid by the applicant.

SECTION 12. Any license for the sale of intoxicating liquor, of the sixth class, shall become null and void, without any process or decree, whenever the registered pharmacist to whom it has been granted shall cease to conduct his business in person and on his own account, or upon the revocation of his registration as such pharmacist and of his certificate thereof, excepting cases where the registered pharmacist has died or become incapacitated, and his business is continued by his widow, executor or administrator, under a registered pharmacist.

SECTION 13. Sales of intoxicating liquor of any kind by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation.

SECTION 14. A book shall be kept by every retail druggist and apothecary in which he shall enter at the time of every such sale the date thereof, the name of the purchaser, who shall also sign his name in said book as part of said entry, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is also made upon the prescription of a physician the book shall also contain the name of the physician and state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference

to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use	Price.	Name of Physician.	Signature of Purchaser.
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SECTION 15. The book, certificates and prescriptions before provided for or referred to, shall at all times be open in the city of Boston to the inspection of the board of police, and in all the cities and towns in the Commonwealth to the inspection of the mayor and aldermen, board of license commissioners, selectmen, overseers of the poor, sheriff, constables, police officers, and justices of the peace.

SECTION 16. Any person making or issuing a false or fraudulent certificate or prescription referred to in sections thirteen or fourteen of this act may be prosecuted therefor, and upon conviction may be fined ten dollars. Any retail druggist or apothecary violating any of the provisions of sections thirteen, fourteen and fifteen of this act shall, upon conviction thereof, be punished by fine of not less than fifty nor more than five hundred dollars, or imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. He shall in addition to said penalties forfeit his license and be disqualified to hold a license for the period of one year after his conviction, and if the licensee is the owner of the premises no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

SECTION 17. Any person not being a registered pharmacist who shall procure a sixth class license for the sale of intoxicating liquors, in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall by himself or his servants sell intoxicating liquor, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned in the house of correction for a term of not less than one month nor more than six months, and the provisions of section eight of chapter two hundred and fifteen of the Public Statutes shall not apply to such sentence.

SECTION 18. [Amended by chapter 317, Acts of 1900, as follows: Section eighteen of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the words "by himself or his agent or servant, unless such agent or servant is so registered," in the second and third lines, and by adding at the end of said section the words:—



In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist, — so as to read as follows : —

*Section 18.* Whoever not being registered as aforesaid shall retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist.]

*SECTION 19.* Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in a jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicines shall be forfeited, and destroyed under the direction of the court.

*SECTION 20.* Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral, hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large black letters the word, Poison, and also the word, Antidote, and the

name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this act shall be construed to apply to wholesale dealers and to manufacturing chemists in their sales to the retail trade, nor to the general merchant, who may sell in unbroken packages containing not less than one quarter of a pound, Paris green, London purple, or other arsenical poisons for the sole purpose of destroying potato bugs or other insect life upon plants, vines or trees: *provided*, that such merchant complies with the provisions of this section in respect to recording such sale and labelling each package sold.

#### GENERAL PROVISIONS.

SECTION 21. It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers, and especially to prosecute all persons violating section seventeen of this act.

SECTION 22. In order properly to carry out the provisions of this act the board of registration in pharmacy may expend annually a sum not exceeding two thousand dollars, and an itemized statement of all expenses incurred shall be filed with the auditor of the Commonwealth, who, after they have been properly approved, shall allow them in the same manner as other claims against the Commonwealth.

SECTION 23. This act shall not apply to physicians putting up their own prescriptions or dispensing medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any member of a copartnership, other than a registered pharmacist, be liable to the penalties hereof: *provided*, that such non-registered member shall not retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, except under the personal supervision of a registered pharmacist.

SECTION 24. Sections five and six of chapter two hundred and eight of the Public Statutes, chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five, chapters two

hundred and sixty-seven and four hundred and thirty-one of the acts of the year eighteen hundred and eighty-seven, chapter two hundred and nine of the acts of the year eighteen hundred and eighty-eight, chapters two hundred and twenty-seven and four hundred and seventy-two of the acts of the year eighteen hundred and ninety-three, and chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-four, are hereby repealed. [*Approved May 15, 1896.*]





PUBLIC DOCUMENT

SIXTEENTH

MASSACHUSETTS

IN

FOR THE YEAR



WELCH & WATTS

BOSTON  
PRINTED AT THE  
18 POST OFFICE  
1902



PUBLIC DOCUMENT . . . .

. . . . No. 39.

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## SIXTEENTH ANNUAL REPORT

OF THE

## MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY,

FOR THE YEAR 1901.



BOSTON:  
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
18 POST OFFICE SQUARE.  
1902.





# Commonwealth of Massachusetts.

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## REPORT.

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To His Excellency W. MURRAY CRANE, *Governor.*

SIR: — In compliance with the requirements of section 4, chapter 397, Acts of 1896, we hereby submit to Your Excellency our sixteenth annual report. We are pleased to note that from a commercial stand-point the condition of pharmacy in the State is greatly in advance of one year ago. Industry and commerce go hand in hand, and to industrial prosperity is due the commercial prosperity throughout the State. No business in existence is so disturbed by cut-rate competition as is pharmacy; but the public is learning that cheap prices mean cheap goods, and this class of competition is becoming less formidable than formerly.

Another cause for congratulation among druggists is the repeal of the war stamp tax that took effect July 1 of this year. The national revenue from the tax on drug store products was \$5,000,000 per annum.

The professional side of pharmacy advances slowly, but the demand of the present is, and of the future will be, for higher education in this profession. The excellent schools of pharmacy in this country offer a means for obtaining this education. In former reports of this Board, attention has been called to the desirability of a higher educational standard for those entering the drug business. The results of our examinations show that this point cannot be too strongly emphasized.

## PRACTICAL EXAMINATIONS.

Commencing January 1 of this year, the character of examinations of candidates for registration has been radically changed. Prior to that time the examination consisted of written and oral questions and the identification of drugs. We have now a well-equipped prescription counter, where each candidate is required to dispense as many prescriptions as time will allow. This cannot be satisfactorily done without actual drug store experience. The oral examination consists practically of questions relating to the preparation of official products and prescription reading. The written examination is more technical in character, but is confined to questions of practical value to the professional pharmacist. It is felt by the Board that with this form of examination the practical, useful knowledge of the applicant is more readily determined than by the older method. It is no longer possible for persons to pass the Board examinations by learning questions and answers, or by the employment of quiz instructors; and it is a waste of time to appear before the Board without systematic study and prescription counter experience.

## LIQUOR CERTIFICATES.

The granting of liquor certificates is an important duty of the Board. Section 11 of the "Act to regulate the practice of pharmacy" reads as follows:—

The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquors a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he is a proper person to be intrusted with such license, and that the public good will be promoted by the granting of said license.

It is further stated, in section 10 of the above-mentioned act, —

if it shall appear that the applicant is a fit person to receive such license . . . and is a registered pharmacist actively engaged in business on his own account.

Three qualifications are to determine the granting of these certificates; namely, the public good, fitness of the person and proprietorship. In some sections there is an excessive influx

of new drug stores demanding sixth-class licenses. It is the belief of this Board that it should not, by granting of certificates, encourage the multiplication of stores to such an extent that the sale of intoxicating liquor becomes a necessity to the maintenance of stores in those vicinities. It is the intent of the Board to be impartial and fair to all concerned in this part of its work.

#### ENFORCEMENT OF THE PHARMACY LAWS.

In this department, the Board, with the assistance of its agent, has endeavored to investigate all complaints that have come to its notice. A larger number of complaints has come to us than in the preceding year, and some of an aggravated character. It should be said, however, that a large number of those against whom complaint has been made were unregistered persons, engaged in the drug business.

#### RE-REGISTRATION.

There has been a demand by the State Pharmaceutical Association and by individuals for a correct list of the registered pharmacists of the State. This can be had only by re-registration. Since the enactment of the pharmacy law in 1885 to this date there have been 4,029 pharmacists registered in this State; many of these have died; others have left the State or discontinued business. There are at present 1,568 drug stores in the State; possibly one-third of these employ registered clerks; this accounts for about one-half of the total number, leaving about 2,000 certificates of registration unaccounted for. These latter certificates may be, and have been in known instances, used illegally by being exposed in stores of questionable character in which no registered man is employed. This Board is unanimously of the opinion that some provision should be made for re-registration at stated periods. Such provision is made in twenty-nine States in the Union. In twenty-five States annual, in two States biennial and in one State triennial re-registration is required; the fees in these States range from 50 cents to \$5 per annum. This Board recommends that the pharmacy laws be amended to the effect that re-registration be required biennially, and that the fee therefor shall be \$1, sufficient to cover expenses incurred.

## LEGISLATION.

Referring again to sections 10 and 11 of the pharmacy laws, quoted above, it will be seen that licenses of the sixth class can be granted only to "a registered pharmacist actively engaged in business on his own account." Section 12 of the pharmacy act provides that sixth-class licenses shall remain in force in "cases where the registered pharmacist has died or become incapacitated, and his business is conducted by his widow, executor or administrator, under a registered pharmacist;" but there is no provision for the renewing of a license on May 1 to the widow, executor or administrator or to the registered clerk. In many instances it has become a financial injury to widows of deceased pharmacists. We therefore recommend that section 18 of chapter 397 of the Acts of 1896, as amended by chapter 317 of the Acts of 1900, be further amended as follows:—

Section eighteen of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six, as amended by chapter three hundred and seventeen of the acts of nineteen hundred, is hereby further amended by adding after the word "pharmacist," in the last line, the following words:— "who may also be considered qualified to receive a sixth-class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section ten of chapter three hundred and ninety-six of the acts of the year eighteen hundred and ninety-six, inconsistent herewith, shall not apply,"— so as to read as follows:— *Section 28.* Whoever not being registered as aforesaid shall retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist, who may also be considered qualified to receive a sixth-class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The pro-

visions of section ten of chapter three hundred and ninety-six of the acts of the year eighteen hundred and ninety-six, inconsistent herewith, shall not apply.

With this report the term of office of Mr. John A. Rice expires by limitation of law after serving for ten years as a member of this Board. The remaining members of the Board and the druggists of the State will remember him as a man of good judgment, strong convictions and kindly nature. The State has had no more conscientious servant than he. In signing this report, it is understood that Mr. Rice does not necessarily endorse these sentiments.

It will be seen that the expenses of the Board for the year have been less than anticipated. This was due to the fact that the member from the western part of the State has been able to attend but three meetings during the year, and that another member was unable to attend for nearly two months.

With the old method of examination the Board was able to examine fifteen per day; with the new method, but ten can be examined. This makes a greater number of examination days necessary, and thereby increases the expense. Had all of the members been present through the year, as usual, the appropriation for the year would have been fully expended. For the year ending Oct. 1, 1900, twenty-three days were required for examinations; for this year, thirty-six days.

The report of the secretary and the report of the agent of the Board are appended hereto.

C. F. NIXON, *President.*

AMOS K. TILDEN, *Secretary.*

F. H. BUTLER.

JOHN A. RICE.

GEO. M. HOYT.

BOSTON, MASS., Oct. 1, 1901.

## SECRETARY'S REPORT.

### EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows : —

1900-1901.	Days.	Examined.	Registered.	Rejected.
October 2-3, . . . . .	2	25	3	22
November 14-15, . . . . .	2	29	3	26
December 12, . . . . .	1	13	2	11
January 1-2, . . . . .	2	19	6	13
January 29-30, . . . . .	2	17	5	12
February 5, . . . . .	1	10	2	8
February 12, . . . . .	1	9	3	6
February 20-21, . . . . .	2	18	3	15
February 27-28, . . . . .	2	17	6	11
March 12, . . . . .	1	10	3	7
March 21, . . . . .	1	10	4	6
March 28, . . . . .	1	8	4	4
April 9-10, . . . . .	2	18	3	15
April 17, . . . . .	1	10	—	10
April 30, . . . . .	1	8	1	7
May 7, . . . . .	1	10	—	10
May 15, . . . . .	1	10	—	10
May 22, . . . . .	1	8	2	6
May 27-28, . . . . .	2	21	1	20
June 5-6, . . . . .	2	20	7	13
June 11, . . . . .	1	10	2	8
June 18-19-20, . . . . .	3	30	8	22
September 17, . . . . .	1	8	1	7
September 23-24, . . . . .	1	12	2	10
September 30, . . . . .	1	8	2	6
Totals, . . . . .	36	358	73	285

Of the seventy-three certificates granted this year:—

13 passed on first examination.	3 passed on sixth examination.
19 " " second "	3 " " ninth "
17 " " third "	2 " " eleventh "
8 " " fourth "	1 " " fifteenth "
7 " " fifth "	

FINANCIAL STATEMENT FROM OCT. 1, 1900, TO OCT. 1, 1901.

Oct. 1, 1900, cash in State treasury, . . . . .	\$501 88
Received during the year:—	
Fees from applicants, 264 at \$3, . . . . .	\$792 00
Fees from applicants, 119 at \$5, . . . . .	595 00
For duplicate certificates, . . . . .	8 00
	<u>1,395 00</u>
Total, . . . . .	\$1,896 88
Returned to family of W. A. E. Kimball, he having died a few days after sending the money, . . . . .	5 00
	<u>\$1,891 88</u>

*Expenditures.*

	Services.	Expenses.	Total.
C. F. Nixon, president, . . . . .	\$235 00	\$114 35	\$349 35
A. K. Tilden, secretary, . . . . .	232 50	25 47	257 97
A. K. Tilden (miscellaneous bills), . . . . .	—	30 34	30 34
F. H. Butler, . . . . .	150 00	53 80	203 80
F. H. Butler (printing), . . . . .	—	3 00	3 00
John A. Rice, . . . . .	15 00	30 66	45 66
G. M. Hoyt, . . . . .	222 50	58 70	281 20
G. M. Hoyt, drugs, . . . . .	—	3 60	3 60
	<u>\$855 00</u>	<u>\$319 92</u>	<u>\$1,174 92</u>

Hammett School Supply Company, . . . . .	\$3 75
Wright & Potter Printing Company, . . . . .	15 01
E. L. Patch Company, . . . . .	4 78
Weeks & Potter Company, . . . . .	9 34
Theo. Metcalf Company, . . . . .	2 65
	<u>35 53</u>
	<u>1,210 45</u>
Balance in State treasury, . . . . .	\$681 43

*Liabilities.*

Applicants not examined, fees paid:—	
Prior to Oct. 1, 1900:—	
48 at \$3, . . . . .	\$144 00
45 at \$5, . . . . .	225 00
	<u>\$369 00</u>
From Oct. 1, 1900, to Oct. 1, 1901:—	
37 at \$3, . . . . .	\$111 00
20 at \$5, . . . . .	100 00
	<u>211 00</u>
	<u>\$580 00</u>



## APPLICATIONS FOR CERTIFICATES OF FITNESS.

Applications received from Oct. 1, 1900, to March 1, 1901, to expire April 30, 1901, . . . . .	55
Certificates granted, . . . . .	35
Applications refused, . . . . .	20
Applications received from March 1, 1901, to Oct. 1, 1901, to expire April 30, 1902, . . . . .	1,207
Certificates granted, . . . . .	1,104
Applications refused, . . . . .	98
Applications transferred, . . . . .	5
Total number of applications for the year, . . . . .	1,262
Total number of certificates granted, . . . . .	1,139
Total number of applications refused, . . . . .	118
Total number of applications transferred, . . . . .	5
Total amount of fees received, . . . . .	\$1,262 00
Returned to rejected applicants, . . . . .	\$118 00
Paid to State Treasurer, . . . . .	1,139 00
Transferred, . . . . .	5 00

## FINANCIAL STATEMENT FROM OCT. 1, 1900, TO OCT. 1, 1901.

	Services.	Expenses.	Total.
C. F. Nixon, president, . . . . .	\$352 50	\$197 75	\$550 25
C. F. Nixon, supplies, . . . . .	-	11 29	11 29
A. K. Tilden, . . . . .	897 50	33 01	930 51
A. K. Tilden, supplies, etc., . . . . .	-	41 95	41 95
F. H. Butler, . . . . .	107 50	36 47	143 97
G. M. Hoyt, . . . . .	90 00	29 75	119 75
G. M. Hoyt, supplies, . . . . .	-	31 71	31 71
S. B. Harris, agent, . . . . .	780 00	366 94	1,146 94
Lucie Barret Koch, . . . . .	570 00	-	570 00
Bessie Burroughs, . . . . .	50 00	-	50 00

\$2,847 50	\$748 87	\$3,596 37
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J. L. Fairbanks Company, . . . . .	\$6 60
Wright & Potter Printing Company, . . . . .	71 34
Thorp & Martin Company, . . . . .	6 75
Press Clipping Bureau, . . . . .	21 75
N. E. Telegraph and Telephone Company, . . . . .	11 67
Fox, Fultz & Co., . . . . .	5 18
E. L. Patch Company, . . . . .	76 75
Fuller, Leonard & Small, . . . . .	17 50
Charles P. Whittle, . . . . .	325 00
Wm. H. Bradford, . . . . .	7 21
Whitall, Tatum Company, . . . . .	198 94

Burditt & Williams Company, . . . .	\$17 00	
Spatula Publishing Company, . . . .	3 00	
Weeks & Potter, . . . . .	4 52	
Theo. Metcalf Company, . . . . .	3 05	
Sampson, Murdock Company, . . . .	5 50	
	<hr/>	\$781 58
		<hr/> \$4,377 95

Number of meetings held for granting to applicants certificates of fitness, . . . . .	18
Number of hearings on applications for certificates of fitness, . . . .	67

## ENFORCEMENT OF PHARMACY LAW.

## SUMMARY.

Number of meetings for enforcement of pharmacy law, . . . .	18
Number of hearings on violations of pharmacy law, . . . .	25
Number of certificates suspended for ten years, . . . . .	1
Number of certificates suspended for five years, . . . . .	1
Number of certificates suspended for two years, . . . . .	3
Number of certificates suspended for one year, . . . . .	6
Number of certificates suspended for eighteen months, . . . .	1
Number of certificates suspended for two months, . . . . .	2
Number of cases continued for sentence, . . . . .	1
Number of formal complaints to the Board, . . . . .	31

## FINANCIAL STATEMENT FROM OCT. 1, 1900, TO OCT. 1, 1901.

	Services.	Expenses.	Total.
C. F. Nixon, . . . . .	\$37 50	\$21 00	\$58 50
A. K. Tilden, . . . . .	50 00	4 75	54 75
A. K. Tilden, witness fees, . . . .	—	75 90	75 90
F. H. Butler, . . . . .	47 50	20 07	67 57
G. M. Hoyt, . . . . .	47 50	15 70	63 20
S. B. Harris, . . . . .	795 00	368 31	1,163 31
	<hr/>	<hr/>	
	\$977 50	\$505 73	\$1,483 23

J. L. Fairbanks & Co., . . . . .	\$9 70	
Press Clipping Bureau, . . . . .	2 00	
	<hr/>	11 70
Total, . . . . .		<hr/> \$1,494 93

AMOS K. TILDEN,

*Secretary.*

## AGENT'S REPORT.

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### *To the Board of Registration in Pharmacy.*

Herewith submitted is a condensed report of my doings under your orders during the past year, with a résumé of various matters which have come under my observation in the performance of my official duties which relate to the condition of pharmacy, together with records relating to the enforcement of the pharmacy laws of this Commonwealth.

The following registered pharmacists died during the year : —

Bourne, Jacob F., . Boston.	McCarthy, Callahan, Northbridge.
Buffington, Elisha D., Worcester.	Nash, Frank S., . Brockton.
Coville, Frank O., . Winchester.	O'Brien, James, . Lowell.
Curtis, John W., . Hinsdale.	Ohlander, John V., . Worcester.
Duval, Edmond P., . Leominster.	Reid, Charles S., . Holbrook.
Eaton, Charles I., . Boston.	Robbings, George H., West Warren.
Ferguson, William A., Foxborough.	Shay, Thomas E., . Salem.
Hartshorn, Fred'k A., Marlborough.	Sweeney, John P., . Boston.
Hodges, Chauncey A., Lynn.	Toward, Arlie B., . Boston.
Hollis, Francis, . Boston.	Wetherell, Monson L., Gloucester.
Jenkins, Luther L., . Boston.	Williams, Joseph, . Newburyport.
Mahern, John J., . Woburn.	

In the above list will be recognized the names of several druggists who were long and favorably known in the pharmacy business.

My duties have taken me into every portion of the State. It has been the general expression from those engaged in the profession that their business during the year 1901 has been more satisfactory than in 1900, which is gratifying.

It is somewhat humiliating to report that during the year more prosecutions have been made and more convictions of violators of the pharmacy law than during the previous year. The reason is apparent why prosecutions have increased. Of the number arraigned before the court, a large per cent. were unregistered pharmacists. In several instances they had formerly been engaged in the liquor business in cities and towns where licenses had formerly been granted, but failing to grant

licenses by reason of the "no" vote, and knowing full well that licenses of the sixth class may be granted where the "no" vote prevails, they took it upon themselves to employ a registered clerk and open up to all appearances a full-fledged pharmacy; but have been obliged to settle with our courts for their folly, the law having been repealed whereby formerly unregistered proprietors could conduct the business of pharmacy with a registered clerk, which has proven quite an obstacle to their advancement as druggists. The majority of those who have thus embarked have wisely given up the undertaking. In one instance four men engaged in the business, one being registered; prosecution was followed by arrest, accompanied with bailing process. The three unregistered men fled to Canada, and were defaulted in court. It may be confidently believed that they will not come under the supervision of the Board again.

Another violator, known to the Board, having been repeatedly prosecuted and convicted, upon another seizure being made at his place of business, made quick time and crossed the border line. He likewise will not give the Board or the local authorities any further trouble.

Another, who advertised himself as general manager of several drug stores, the proprietor not being registered, after being severely disciplined, concluded to interest himself as manager of a travelling band of gypsies.

Another would-be druggist, unregistered, who has been repeatedly convicted for violating the liquor law and pharmacy law, and has paid fines and served time in the jail, upon learning that another indictment had been found against him, hurriedly left the State. At the time of his departure he was owner of three drug stores in Massachusetts. They have all been closed.

The public good is subserved and the pharmacy business elevated by these departures, and for the benefit of those who may be inclined without the proper qualifications prescribed by law to enter into the drug business to evade the liquor law, it seems proper to say: You have no right to take the responsibility upon yourselves to deal in drugs, medicines, chemicals and poisons, thereby jeopardizing the public welfare, that you may, under a respectable cover, conduct an unlawful, disreputa-

ble business. Never sail under false colors. If you are inclined to engage in the liquor business, do so, if at all, under the sanction of a liquor license. Don't attempt to do so as a pharmacist in this Commonwealth.

Chapter 106, Acts of 1900, amended section 10 of chapter 397 of the Acts of 1896 by adding at the end thereof the following:—

A registered pharmacist who owns stock to the actual value of at least five hundred dollars in a company incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a drug store of such corporation, shall be considered as actively engaged in business on his own account within the meaning of this act, and may be considered qualified to receive such a license for said store.

Whereas the above statute is all right when resorted to by honest men, who organize stock companies under its provision and honestly conform to the law, and the public welfare will not suffer thereby, evil-disposed persons have taken advantage of its provisions, organized stock companies under the laws of other States, present or pretend to give stock to registered persons of the value of five hundred dollars, as estimated by the promoters, then the drug store opens up with a registered man, a figure head in the venture, the combination bringing incompetency into the business.

Your agent, as the Board well knows, has been called upon to investigate several such cases. Perhaps it is not out of place to give one illustration.

In the city of Boston complaint came to the Board that a drug store, giving name and location, was open for business without the proprietor being registered, a registered man calling occasionally. Upon investigation the proprietor said:—

“This is a stock company, organized under the laws of Maine. Mr. — is the registered clerk, who comes here when he is wanted. He is one of the stockholders in the company. We are not quite satisfied with him. We are going to get another registered man.”

In the course of time another registered man put in an appearance. Upon being interviewed by your agent as to his connection with the store, he said:—

“This is a stock company, I understand. The treasurer of the company has made out a certificate of stock in my name, claiming to be worth five hundred dollars, and put it in the money drawer, saying, ‘In the event of any person questioning you as to your ownership in the store, show this certificate of stock to them.’”

He further stated: “I did not put any money into the concern; I don’t claim to own the certificate of stock; all the interest I claim to have in this store is my weekly wages.”

This was the confession of a truthful man. When informed in regard to the law, he said, “I shall take my certificate and leave.” The store has ceased to do business in this Commonwealth.

Investigation of several cases of a similar character proved that incompetent persons have taken advantage of this statute, thereby imposing upon the public.

In the performance of my duties, my attention has been called to the fact that in several towns voting no license, licenses of the sixth class have been granted by the selectmen and issued to druggists without the licensee giving any bond therefor, — notwithstanding that section 13, chapter 100 of the Public Statutes, distinctly declares, in the following language: —

No license shall be issued until the license fee has been paid to the treasurer of the city or town by which it is to be issued and until he has received a satisfactory bond, payable to him as such treasurer, in the sum of one thousand dollars, signed by the licensee and sufficient surety or sureties, who shall be jointly and severally liable and conditioned for the payment of all costs, damages and fines incurred by violation of the provisions of this chapter. Separate suits may be brought on such bond by any persons at their own expense. Such bond, after approval, shall be filed in the office of the city or town clerk, and may be sued in any court having jurisdiction under the provisions of this chapter, and a certified copy thereof shall be admissible in evidence, and shall have the same force and effect as the original bond would have if offered in evidence. The bond to be taken in each case may be in the following form.

Subsequently follows the form of bond required.

Upon calling the attention of the selectmen to this violation of the statute, they have immediately taken steps to conform to the law governing the same.

Section 1, chapter 431, Acts of 1887, reads as follows : —

No license, except of the sixth class named in section ten of chapter one hundred of the Public Statutes, shall be hereafter granted to retail druggists or apothecaries for the sale of spirituous or intoxicating liquor.

Notwithstanding this plain declaration of the statutes, instances have come to my knowledge where the granting authorities have taken upon themselves the responsibility of issuing licenses of the first and fourth classes to druggists in this Commonwealth, thereby violating the license law and affording no protection to the licensee whatever.

During the past year an unusual number of drug stores have changed proprietors, — in many instances, men of long standing in the business retiring, to be succeeded by younger pharmacists, which has had the tendency to infuse younger blood into the profession.

#### RECAPITULATION.

Number of druggists deceased, . . . . .	23
Number of drug stores in the Commonwealth, . . . . .	1,568
Number of drug stores closed, . . . . .	36
Number of new stores opened for business, . . . . .	30
Number of stores found with unregistered proprietors and no registered partners, . . . . .	23
Number of complaints made to the Board and investigated, . . . . .	101
Number of complaints investigated and reported to the proper prosecuting officers, . . . . .	86
Number of prosecutions, . . . . .	75
Number of convictions, . . . . .	61
Number of continued cases in court, . . . . .	9
Number found not guilty, . . . . .	5
Amount of fines paid, . . . . .	\$4,140
Number sent to jail, . . . . .	2
Number of formal complaints made to the Board, . . . . .	31

My thanks are hereby extended to the various local authorities throughout the Commonwealth for assistance rendered to me in the discharge of my official duties.

Respectfully submitted,

SIMON B. HARRIS,  
*Agent.*

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**L A W S**

**RELATING TO**

**THE PRACTICE OF PHARMACY**

**IN**

**MASSACHUSETTS.**

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**1901.**

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penalty and abandoned the business; whereas, if the local authorities had interested themselves in the matter, such a state of affairs would not have been possible.

The great majority of prosecuting officers in the State, who have rendered valuable assistance, are entitled to our thanks. To those who personally have assisted me in the performance of my duty, grateful acknowledgment is herewith extended.

#### RECAPITULATION.

Number of druggists deceased, . . . . .	31
Number of drug stores in the Commonwealth, . . . . .	1,552
Number of drug stores closed during the year, . . . . .	32
Number of new drug stores opened for business, . . . . .	16
Number of stores found, owned by unregistered proprietors, no registered partners, . . . . .	28
Number of complaints made to the Board investigated, . . . . .	96
Number of complaints investigated and reported for prosecution, . . . . .	65
Number of prosecutions, . . . . .	57
Number of convictions, . . . . .	50
Number found not guilty, . . . . .	7
Amount of fines imposed, . . . . .	\$2,125
Number of formal complaints made to the Board, . . . . .	15

In conclusion, your courtesies extended to me are fully appreciated, for which accept my thanks.

Respectfully submitted,

SIMON B. HARRIS,  
*Agent.*

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LAWS

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

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1902.

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## LAWS RELATING TO PHARMACY.

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[CHAPTER 76, REVISED LAWS.]

### REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12. Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist

shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The Board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

## [CHAPTER 100, REVISED LAWS.]

## DRUGGISTS AND APOTHECARIES.

SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical

purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows : —

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book and shall not be detached therefrom, and shall be in form substantially as follows : —

*Certificate.*

I wish to purchase \_\_\_\_\_  
and I certify that I am not a minor and that the same is to be used for  
\* Mechanical \* Chemical \* Medicinal purposes. (\* Draw a line through  
the words which do not indicate the purpose of the purchase.)

○ Signature \_\_\_\_\_

Cancelled, \_\_\_\_\_

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.



SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

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[CHAPTER 213, REVISED LAWS.]

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris' green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats," strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words Poison and Antidote, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken pack-

ages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

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[CHAPTER 321, ACTS OF 1902.]

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

*Be it enacted, etc., as follows:*

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended", in the fifth line, the words:— or revoked,— and by adding at the end thereof the words:— The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require,— so as to read as follows:— *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage. [*Approved April 18, 1902.*]

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[CHAPTER 505, ACTS OF 1902.]

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

*Be it enacted, etc., as follows:*

SECTION 1. The secretary of the board of registration in medicine shall receive a salary of twenty-five hundred dollars a year, and the other members of the said board shall each receive a salary of three hundred dollars a year.

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 3. The chairman and secretary of the board of registration in dentistry shall each receive a salary of four hundred dollars a year, and the other members of said board shall each receive a salary of two hundred dollars a year.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine, before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two. [*Approved June 23, 1902.*]

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PUBLIC DOCUMENT . . . .

UNIV. OF MICH. No. 39

OCT 18 1903

EIGHTEENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION

IN PHARMACY,

FOR THE

YEAR ENDING SEPTEMBER 30, 1903.



BOSTON:  
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
18 POST OFFICE SQUARE.  
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· APPROVED BY  
THE STATE BOARD OF PUBLICATION.

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## NAMES OF BOARD AND OFFICERS.

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GEORGE M. HOYT, *President.*

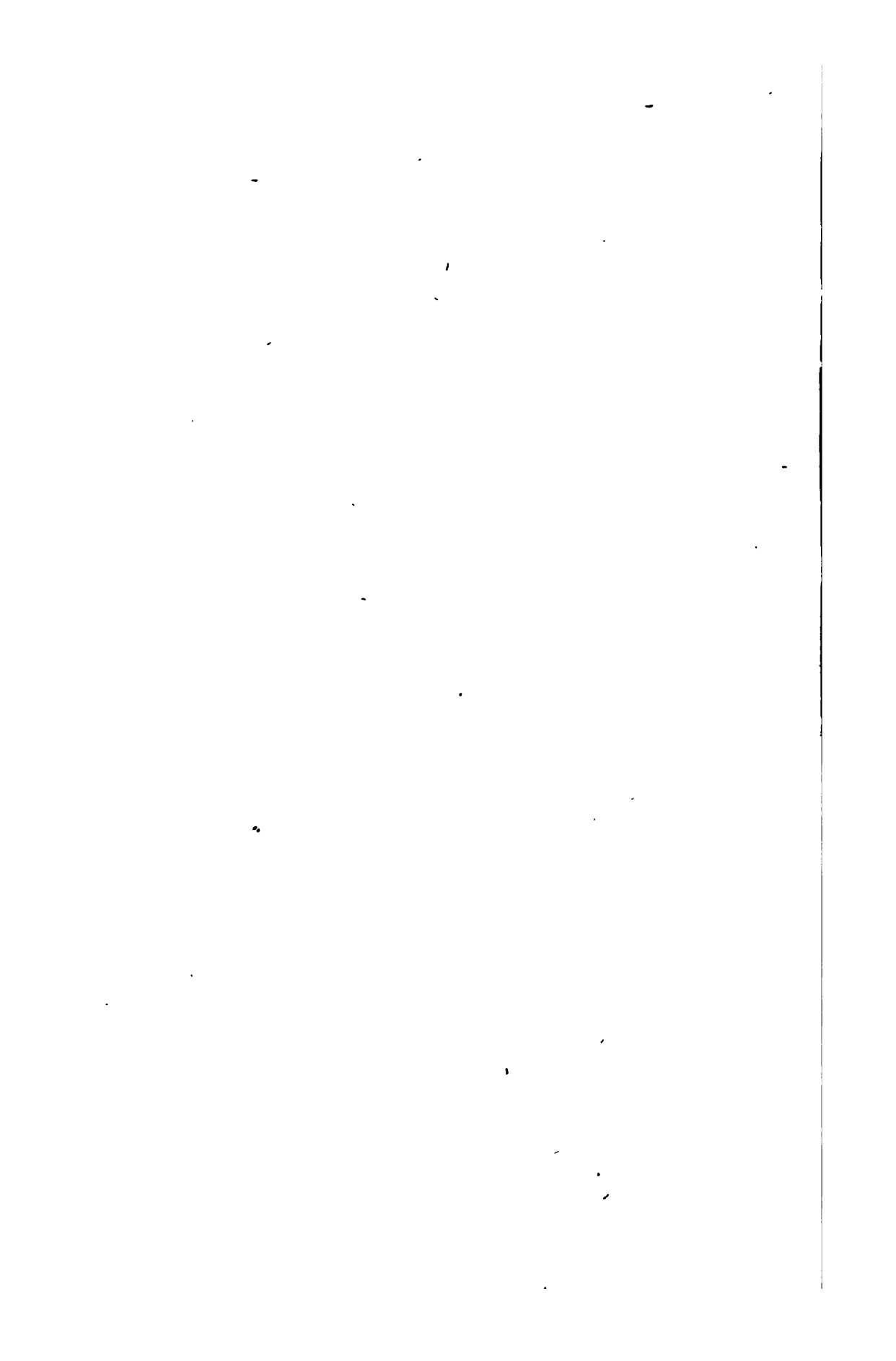
CHARLES F. NIXON, *Secretary.*

FREEMAN H. BUTLER.

HENRY ADAMS.

WILLIAM F. SAWYER.

SIMON B. HARRIS, *Agent.*



# Commonwealth of Massachusetts.

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## RÉPORT.

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To His Excellency JOHN L. BATES, *Governor*.

SIR: — In compliance with the laws of the Commonwealth, which provide that the State Board of Pharmacy shall annually make a report to the Governor and Council concerning the condition of pharmacy in the State, also of its official acts and financial transactions during the preceding year, we have the honor to respectfully submit the following report.

Speaking from the commercial side of pharmacy, we are happy to state there has been a decided improvement in most parts of the Commonwealth over the conditions existing during the previous years. In many towns and cities, by persistent work and co-operation, the pharmacists have eliminated the cut-rate evil, and brought about a condition of fraternal organization, which has been of great benefit from both a financial and social point of view. This condition applies more particularly to the towns which are at a distance from the larger cities which are the centre of the cut-rate business. The pharmacists in and around greater Boston and its vicinity still have to contend with department stores and other disturbing influences which serve to degrade true pharmacy; but even here a change for the better has taken place, and by organization many improvements in the condition of the retail drug business have been made.

Pharmacy of to-day is a combination of science and business, and the pharmacist is both a business man and a professional one; but we think the professional side is not losing ground,

and that the pharmacists of Massachusetts, as a rule, take pride in their calling, and are willing to do all they can to help us maintain a high standard of pharmacy in our Commonwealth.

#### EXAMINATIONS.

During the past year our examinations have been conducted on the same general lines as in the preceding year, and consist of written, oral and practical work, with the identification of drugs, which we think serve to demonstrate the fitness of the candidate to become a registered pharmacist.

The per cent. of successful candidates has been somewhat larger than during the preceding year. The question is often asked, why so many fail to pass our examinations. The reasons are many, but one very important one, to which we wish to call particular attention at the present time, is the lack of a proper education. Too many young men enter the drug stores to learn the business without even a common school education, and are handicapped all their lives. They do not know how to study, and some of them cannot solve the simplest of mathematical problems. The rules of per cent. solution and decimal fractions, which are in constant use by the pharmacist of to-day, are beyond their comprehension. We would most strongly emphasize the great need of a thorough preliminary education for all young men before they enter the drug store for the purpose of learning the business; and we think it is the duty of every pharmacist to require that a young man should have a high school diploma before he accepts him as an apprentice. We would advise all young men entering the profession of pharmacy to avail themselves, if possible, of the advantages offered by the colleges of pharmacy in obtaining a pharmaceutical education.

#### ENFORCEMENT OF THE PHARMACY LAW.

When the Commonwealth conferred on the pharmacists of this State the privilege of selling spirituous liquors for medicinal purposes, its law makers recognized the fact that it is necessary there should be in every community a place where liquors can be obtained for medicinal use, and that the pharma-

cist is the proper person to be entrusted with their sale in connection with other medicines; for it is a fact that, when properly used, they are a necessity and a medicine, and are a legitimate part of the pharmacist's stock.

The sixth-class license, for which the pharmacist pays the nominal sum of one dollar, is a personal trust, given to him to use for the good of the community and not for the purpose of money making, and should be so regarded by him. A small minority of the pharmacists of our State, instead of making a liquor license an adjunct to their business, have used it as a cloak for the indiscriminate sale of liquor; and it is the purpose of this Board to prevent, if possible, such men from doing business, and every law-abiding pharmacist should support us in our efforts to drive them from our ranks.

The Board, through its agent, has investigated every complaint that has come to our office. If, on investigation, the complaint is sustained by facts, it is our policy to ask the pharmacist to obey the laws; and in many cases this request is sufficient, and no further action on our part is necessary. It is not the intention of the Board to interfere with the local authorities in the enforcement of the laws; but in some cases, where they will not act after the evidence has been laid before them, we have been obliged to take cases into court and have our agent act as the prosecuting officer, but this is only done as a last resort.

One of the requirements of a sixth-class license is that the holder shall properly record all sales of liquors made under it. During the years 1901 and 1902 many druggists failed to keep their liquor books properly. In consequence of these violations of the law, the Board was compelled in many cases to refuse to grant them a certificate, and the druggists were deprived of their licenses for a time. We are happy to say that a much better condition prevails this year, and, as a rule, the record books have been kept in a proper manner.

Frequent complaints come to our office in regard to the illegal sale of poisons, and we have been criticised for not enforcing the poison law, when the facts are that the Board of Pharmacy has nothing whatever to do with this law. In most of the States the sale of poisons are under the supervision of

the boards of pharmacy, but this is not the case in Massachusetts.

During the past year in a few instances unregistered men have tried to operate drug stores in violation of the pharmacy law, but as soon as our attention was called to them the stores were closed, or provision made to conduct them according to law.

Our agent has visited all parts of the State in the discharge of his duties, and his official report to the Board is made a part of this document. The secretary's report, which is appended hereto, will give a detailed account of our work and a financial statement covering the past year.

Respectfully submitted,

GEO. M. HOYT, *President.*

C. F. NIXON, *Secretary.*

F. H. BUTLER.

HENRY ADAMS.

WILLIAM F. SAWYER.

Boston, Mass., Oct. 1, 1903.

The term of office of Mr. F. H. Butler, the senior member of our Board, expired October 1 of this year, and under the provisions of the present pharmacy law he could not be reappointed. He has served continuously since its institution in 1885, a period of eighteen years, and during that time he has been conscientious, loyal and faithful in the discharge of his duties. A man of strong convictions and sterling integrity, he has always been ready to stand firmly for what he believed to be right. He leaves the Board with the honor and respect of all with whom he has been associated, and in his retirement the State loses the services of a faithful officer.

GEO. M. HOYT.

C. F. NIXON.

HENRY ADAMS.

WILLIAM F. SAWYER.

## SECRETARY'S REPORT.

### EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows :—

1902-1903.	Days.	Examined.	Registered.	Rejected.
October 7, . . . . .	1	8	2	6
November 10, . . . . .	1	10	—	10
November 11, . . . . .	1	11	5	6
November 18, . . . . .	1	11	—	11
December 2, . . . . .	1	7	2	5
December 16, . . . . .	1	12	3	9
January 6, . . . . .	1	10	4	6
January 13, . . . . .	1	11	1	10
January 20, . . . . .	1	11	2	9
January 27, . . . . .	1	7	—	7
February 10, . . . . .	1	11	4	7
February 24, . . . . .	1	12	3	9
March 3, . . . . .	1	9	2	7
March 10, . . . . .	1	8	4	4
March 17, . . . . .	1	11	3	8
March 24, . . . . .	1	12	5	7
March 31, . . . . .	1	12	3	9
April 7, . . . . .	1	8	2	6
April 14, . . . . .	1	7	—	7
April 28, . . . . .	1	6	1	5
May 5, . . . . .	1	6	3	3
May 12, . . . . .	1	7	4	3
May 19, . . . . .	1	8	2	6
May 26, . . . . .	1	12	4	8
June 2, . . . . .	1	11	3	8
June 4, . . . . .	1	12	2	10
June 16, . . . . .	1	10	4	6
June 19, . . . . .	1	12	6	6
June 23, . . . . .	1	12	2	10
June 24, . . . . .	1	12	6	6
June 26, . . . . .	1	11	2	9
September 15, . . . . .	1	7	3	4
September 22, . . . . .	1	5	1	4
September 29, . . . . .	1	10	4	6
Totals, . . . . .	34	329	92	237



Of the ninety-two certificates granted this year : —

25 passed on first examination.	3 passed on sixth examination.
21 " second "	2 " eighth "
19 " third "	2 " ninth "
9 " fourth "	1 " tenth "
10 " fifth "	

#### FINANCIAL STATEMENT FROM OCT. 1, 1902, TO OCT. 1, 1903.

##### *Examinations.*

Fees received : —

For examination, 232 at \$3, . . . . .	\$696 00
For examination, 117 at \$5, . . . . .	585 00
For duplicate certificates, 7 at \$1, . . . . .	7 00
	<hr/>
	\$1,288 00

Paid State Treasurer, . . . . . \$1,288 00

NOTE. — Nov. 14, 1902, the examination fee of \$5 was returned to Thomas D. Driscoll, it having been found that he was ineligible for examination. The amount having been sent to the State Treasurer, it was subsequently returned to the Board, upon request of the secretary.

Applicants not examined, fees paid : —

Prior to Oct. 1, 1902 : —

53 at \$3, . . . . .	\$159 00
51 at \$5, . . . . .	255 00
	<hr/>
	\$414 00

From Oct. 1, 1902, to Oct. 1, 1903 : —

42 at \$3, . . . . .	\$126 00
10 at \$5, . . . . .	50 00
	<hr/>
	176 00
	<hr/>
	\$590 00

##### *Certificates of Fitness.*

Amount received from Oct. 1, 1902, to March 1, 1903, for certificates of fitness to expire April 30, 1903 (\$1 each), . . . \$41 00

Cash paid to State Treasurer, certificates having been granted, . . . . .	\$29 00
Fees returned, applications having been rejected or withdrawn, . . . . .	12 00

Amount received from March 1, 1903, to Oct. 1, 1903, for certificates of fitness to expire April 30, 1904 (\$1 each), . . . \$1,222 00

Cash paid to State Treasurer, certificates having been granted, . . . . .	\$1,172 00
Fees returned, applications having been rejected or withdrawn, . . . . .	47 00
Amount transferred to new account, applications continued for action by the Board, . . . . .	3 00

*Summary, Oct. 1, 1902, to Oct. 1, 1903.*

Number of meetings held for hearings and miscellaneous business, . . . . .	16
Number of hearings on applications for duplicate certificates, . . . . .	2
Number of hearings on applications for certificates of fitness, . . . . .	68
Number of hearings on violations of the pharmacy law, . . . . .	14
Number of certificates suspended for five years, . . . . .	3
Number of certificates suspended for three years, . . . . .	1
Number of certificates suspended for one year, . . . . .	1
Number of certificates suspended for six months, . . . . .	1
Number of certificates suspended for three months, . . . . .	6
Number of cases continued for sentence, . . . . .	2
Number of formal complaints to the Board, . . . . .	18
Number of pharmacists reinstated, . . . . .	4

Annual appropriation for use of the Board of Registration in Pharmacy for the year ending Dec. 31, 1903:—

Salaries of members, . . . . .	\$2,400 00
Expenses of members, . . . . .	1,475 00
Agent, salary and expenses, . . . . .	2,400 00
Stenographer, witness fees, incidental and contingent expenses, including printing of annual report, . . . . .	1,450 00
	<u>\$7,725 00</u>

NOTE.—The financial year of the State ends December 31; the financial year of the Board of Registration in Pharmacy ends September 30.

Expenditures of the Board for the year ending Sept. 30, 1903:—

	Salaries.	Expenses.	Totals.
George M. Hoyt, . . . . .	\$496 24	\$191 60	\$687 84
Charles F. Nixon, . . . . .	990 59	392 15	1,382 74
Freeman H. Butler, . . . . .	800 00	99 45	899 45
Henry Adams, . . . . .	300 00	369 62	669 62
William F. Sawyer, . . . . .	271 68	34 05	305 73
Amos K. Tilden,* . . . . .	41 49	1 50	42 99
Simon B. Harris, agent, . . . . .	1,500 00	696 90	2,196 90
Bessie B. Burroughs, stenographer, . . . . .	720 00	—	720 00
	<u>\$4,620 00</u>	<u>\$1,785 27</u>	<u>\$6,405 27</u>
Wright & Potter Printing Company, . . . . .		\$125 47	
The Bradstreet Company, . . . . .		50 00	
New England Telephone and Telegraph Company, . . . . .		8 51	
Press Clipping Bureau, . . . . .		21 35	
Remington Typewriter Company, . . . . .		8 70	
		<u>\$214 03</u>	<u>\$6,405 27</u>
<i>Amounts carried forward,</i> . . . . .			

\* Mr. Tilden's term of service did not expire until the appointment of Wm. F. Sawyer, Nov. 5, 1902.

<i>Amounts brought forward,</i>	. . . . .	\$214 03	\$6,405 27
The E. L. Patch Company,	. . . . .	25 14	
J. L. Hammett Company,	. . . . .	11 25	
Sampson, Murdock Company,	. . . . .	6 50	
J. L. Fairbanks Company,	. . . . .	8 98	
George M. Hoyt (for drugs),	. . . . .	21 77	
F. S. Webster Company,	. . . . .	2 35	
F. W. Barry Beale & Co.,	. . . . .	3 30	
Neostyle Company,	. . . . .	90	
William H. Bradford,	. . . . .	2 10	
Whitall Tatum Company,	. . . . .	4 68	
H. E. Webster Company,	. . . . .	3 73	
Spatula Publishing Company,	. . . . .	1 50	
F. S. Blanchard & Co.,	. . . . .	3 00	
Pocket Manual Company,	. . . . .	1 00	
Henry W. Stone,	. . . . .	14 70	
Dennison Manufacturing Company,	. . . . .	1 52	
Belknap & Co.,	. . . . .	1 50	
Whitney & Co.,	. . . . .	1 50	
Maynard & Duncan,	. . . . .	25	
New York & Boston Despatch Express Company,	. . . . .	25	
Paid for witness fees,	. . . . .	86 00	
Paid for postal supplies,	. . . . .	14 74	
Paid for laundry for examination department,	. . . . .	6 29	
		<hr/>	436 98
			\$6,842 25

C. F. NIXON,

*Secretary.*

## AGENT'S REPORT.

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### *To the Board of Registration in Pharmacy.*

Herewith for your consideration is a résumé of the work performed by me under your instruction during the year ending Sept. 30, 1903. A detailed account of service rendered and results obtained has already been submitted to you through my monthly reports.

The following registered pharmacists have died during the past year : —

Allen, Emory A., . . .	Randolph.	Owen, Timothy, . . .	Canton.
Conant, Charles H., . . .	Concord.	Parker, Charles F., . . .	Boston.
Gale, Stephen, . . . .	Boston	Phelps, Edward M., . .	Foxboro.
Gaudelet, William C., . .	Newton.	Plumb, Sydney A., . . .	North Adams.
Harris, S. H., Jr., . . .	Methuen.	Shattuck, N. Lazelle, . .	Barre.
Harwood, Frank L., . . .	Warren.	Shaw, Henry F., . . .	Dalton.
Huntley, Joseph W., . . .	Woburn.	Smith, Theophilus, . . .	Boston.
Keith, Walter C., . . .	Worcester.	Taylor, James P., . . .	New Bedford.
Martin, Alexander C., . .	Chelsea.	Tucker, Alfred L., . . .	Springfield.
McGillivray, James S., . .	Chelsea.	Weeks, Andrew G., . . .	Boston.

In the enforcement of the pharmacy laws of the Commonwealth, imposed upon the Board of Registration in Pharmacy, your representative has been sent to every portion of the State, to some localities several times. Whereas a majority of cases investigated came under the supervision of the Board and were remedied by ceasing to further violate the law, or by due process of court, a minority of complaints were found to be frivolous or actuated through malice, without any foundation, thereby unjustly attempting to injure the druggists and imposing useless expense upon the State, all of which served no useful purpose.

Complaints have not been as numerous during the year and prosecutions less than formerly, which certainly testifies creditably for the profession. There still remain a few tenacious,

would-be druggists, unregistered, who, under the pretext of having a registered partner, impose upon the public as druggists, until through repeated prosecutions they come to the conclusion that their business is subject to interference by the local authorities and the Board.

To illustrate: A store owned by a certain man, well known, unregistered, in —, has exhibited the tenacity referred to, for some time, although having been given good advice. The law forbids an unregistered proprietor of a drug store to conduct the business of pharmacy with a registered clerk. Notwithstanding this fact, several registered men were induced to jeopardize their certificates of registration under the pretext of being partners with him in the business. During the time this tenacious process was going on in this particular store, nine prosecutions and convictions of violators followed. Results: Fines paid, six hundred dollars; four certificates of registration in pharmacy were suspended; store closed.

Another illustration occurred in an adjoining city. A broker, unregistered, concluded to take upon himself the duties and the responsibilities of a registered pharmacist, assisted by an inexperienced young man. The store, on account of mismanagement, had been closed for some time prior to the new venture. The only semblance for conducting the store was conspicuously displayed, — the certificate of registration of a registered person. Shortly after the opening, the young man was detected selling intoxicating liquors. Prosecution and conviction in court followed. The proprietor was interviewed by your agent, in company with a police inspector. The following conversation took place: —

“Who is the proprietor of this pharmacy?”

“I am.”

“Are you a registered pharmacist?”

“No.”

“By what authority do you conduct this drug store?”

“I have a registered man,” — pointing to the certificate of registration.

“Is he in at present?”

“No.”

“Where is he?”

“He has gone to Boston to buy goods.”

“Is he here supervising the store daily?”

“Here every day.”

“Now, isn’t it a fact that he is at present and has been for quite a while engaged in the lumber business in another town?”  
—giving the name.

The proprietor had to admit that he had not told the truth. The fact was, however, that the registered person in question had been out of the pharmacy business during the past eight years. The proprietor was prosecuted, charged with keeping and exposing for sale drugs, medicines, chemicals or poisons, without any authority in this Commonwealth; arrested and convicted. The registered man’s certificate of registration was suspended for five years. Store closed.

In the inspection of records of sales of liquor, made under a sixth-class license, in three instances the records disclosed a condition never contemplated under the license. In one instance over eight thousand sales had been recorded during the year. In two others, between five and six thousand sales were registered by each. The reason given for selling such quantities was this: “We supposed we were obliged to sell to every one who signs for it,” — notwithstanding it is optional under the license whether the licensee sells to any one, and, if he does, only for medicinal, mechanical and chemical purposes, using his discretion; and, if improper persons apply, they certainly ought to be refused.

These cases mentioned are rare, and conducted by the thoughtless, whereas the great majority in Massachusetts take pride in their calling, and justifiably so at the present time. They feel that their business is protected from interference by incompetent persons. It has been generally remarked by druggists met by me in my travel over the State that their business has been very good during the year, — more than an average.

During the year a new directory of all the drug stores in the State has been made, which shows that they are not as numerous as formerly. Those that have given up the business, in all probability, will not, under the present pharmacy laws, engage in the pharmacy business again.

Throughout the State the local authorities have rendered prompt assistance whenever called upon in the discharge of duty. They are entitled to grateful recognition.

RECAPITULATION.

Number of druggists deceased, . . . . .	20
Number of drug stores in the Commonwealth, . . . . .	1,530
Number of drug stores closed during the year, . . . . .	15
Number of new drug stores opened for business, . . . . .	7
Number of stores found owned by unregistered proprietors, no registered partners, . . . . .	19
Number of complaints made to the Board investigated, . . . . .	77
Number of complaints investigated and reported for prosecution, . . . . .	46
Number of prosecutions, . . . . .	41
Number convicted, . . . . .	34
Number of cases continued for trial, . . . . .	4
Number found not guilty, . . . . .	3
Amount of fines imposed, . . . . .	\$2,020
Number imprisoned, . . . . .	3
Number of formal complaints made to the Board, . . . . .	18

Very respectfully submitted,

SIMON B. HARRIS,  
*Agent.*

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**LAWS**

**RELATING TO**

**THE PRACTICE OF PHARMACY**

**IN**

**MASSACHUSETTS.**

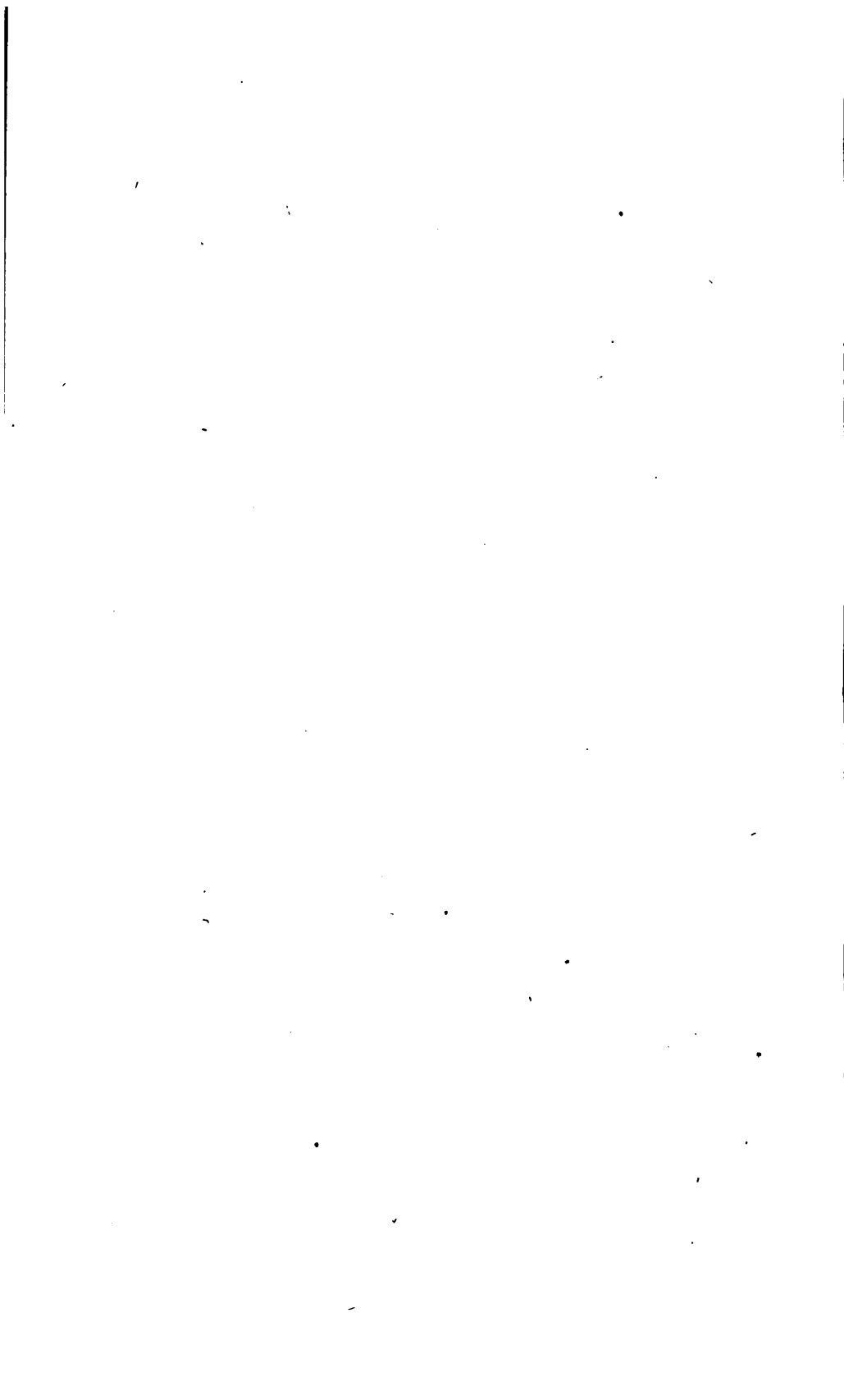
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**1903.**

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## LAWS RELATING TO PHARMACY.

[CHAPTER 76, REVISED LAWS.]

### REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver-general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12. Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may

be necessary for the compensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding and abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for

medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

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[CHAPTER 100, REVISED LAWS.]

DRUGGISTS AND APOTHECARIES.

SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes ; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person

and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows: —

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book and shall not be detached therefrom, and shall be in form substantially as follows: —

*Certificate.*

I wish to purchase \_\_\_\_\_  
and I certify that I am not a minor and that the same is to be used for  
\* Mechanical \* Chemical \* Medicinal purposes. (Draw a line through  
the words which do not indicate the purpose of the purchase.)

Signature \_\_\_\_\_

Cancelled \_\_\_\_\_

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section

thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

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[CHAPTER 213, REVISED LAWS.]

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats," strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words Poison and Antidote, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before

delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

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[CHAPTER 321, ACTS OF 1902.]

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

*Be it enacted, etc., as follows:*

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended," in the fifth line, the words: — or revoked, — and by adding at the end thereof the words: — The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require, — so as to read as follows: — *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage. [*Approved April 18, 1902.*]



## [CHAPTER 505, ACTS OF 1902.]

**AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.**

*Be it enacted, etc., as follows:*

SECTION 1. The secretary of the board of registration in medicine shall receive a salary of twenty-five hundred dollars a year, and the other members of the said board shall each receive a salary of three hundred dollars a year.

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 3. The chairman and secretary of the board of registration in dentistry shall each receive a salary of four hundred dollars a year, and the other members of said board shall each receive a salary of two hundred dollars a year.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the Commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine, before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two. [*Approved June 23, 1902.*]

## [CHAPTER 59, ACTS OF 1903.]

**AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.**

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary

revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit:—

For the salaries of the members of the board of registration in pharmacy, twenty-four hundred dollars.

For travelling and other expenses of the members of said board, a sum not exceeding fourteen hundred and seventy-five dollars.

For the salary and expenses of the agent of said board, a sum not exceeding twenty-four hundred dollars.

For a stenographer, witness fees and incidental and contingent expenses of said board, the same to include printing the annual report, a sum not exceeding fourteen hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage. [*Approved February 13, 1903.*]







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JUN 20 1968

PUBLIC DOCUMENT . . . .

. . . . No. 39.

# NINETEENTH ANNUAL REPORT

OF THE

## MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING SEPTEMBER 30, 1904.



BOSTON:  
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
18 POST OFFICE SQUARE.  
1905.



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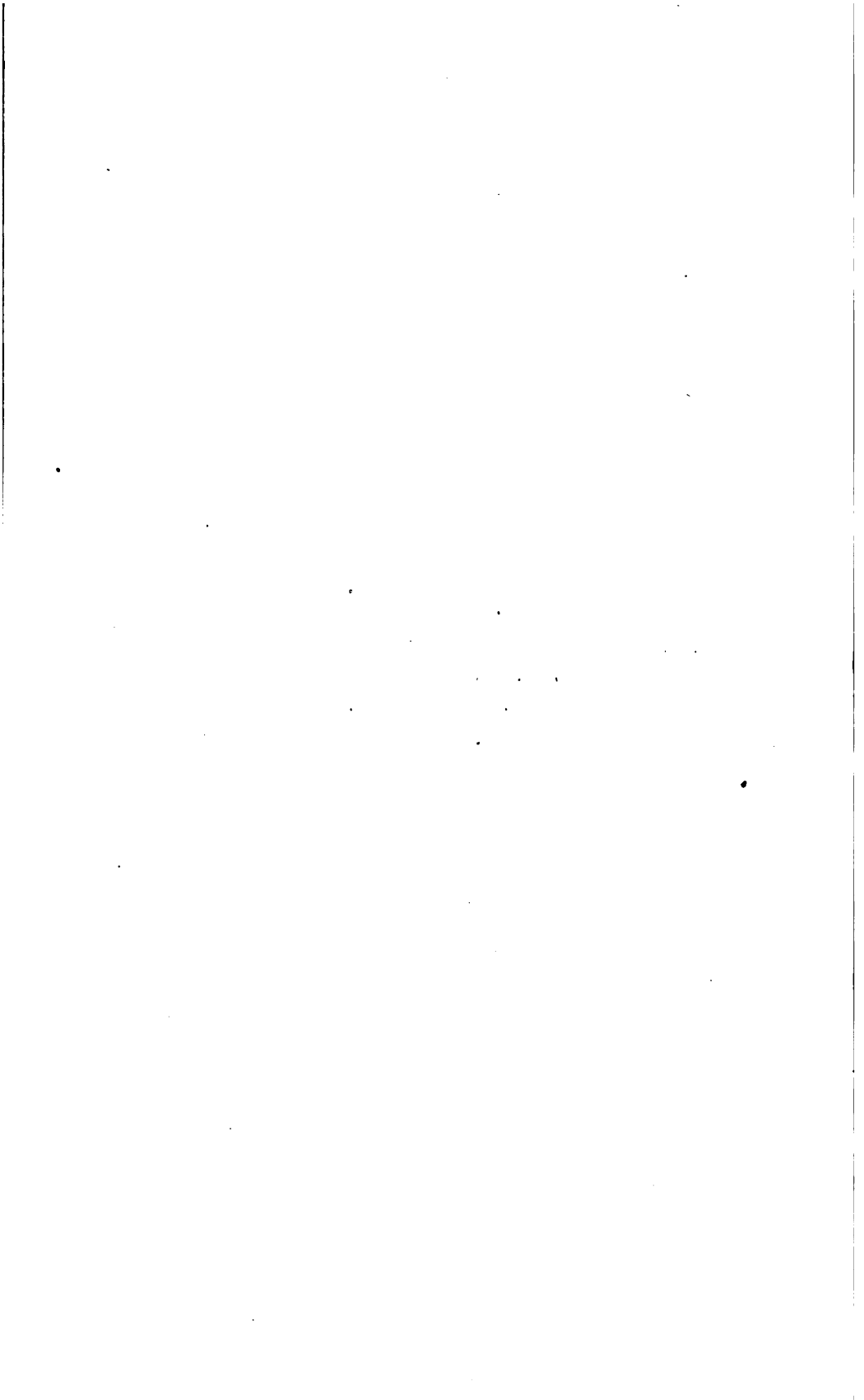


APPROVED BY  
THE STATE BOARD OF PUBLICATION.

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# Commonwealth of Massachusetts.

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## REPORT.

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To His Excellency JOHN L. BATES, *Governor*.

SIR:— We have the honor to respectfully submit the following report concerning the condition of pharmacy in the State, and of our official acts and financial transactions, during the past year. We think this year has been one of average prosperity among the pharmacists of our State, and that as a rule the financial returns from the drug business in Massachusetts will compare favorably with other States in the Union. The pharmacists of our State are still working along the lines of co-operation and fraternal organization for the purpose of elevating the standard of our business both professionally and commercially. In many sections of our State success has crowned their efforts, while in some parts of the Commonwealth the results obtained have been discouraging, but as a whole the year has been marked by progress, and we think the general conditions are better than one year ago. Results can only be obtained by organization and persistent work, and the measure of success attained in the past should be an encouragement to greater effort in the future.

### EXAMINATIONS.

During the past year our examinations have been conducted on the same plan as the previous year, and the tabulated results of the work will be found in the secretary's report. We think it is our duty to again call the attention of all young men who are thinking of adopting pharmacy as their calling to

the necessity of obtaining a thorough preliminary education before entering a drug store to learn the business. The tendency at the present time in all lines, professional and commercial, is toward a higher standard of education. One State (New York) has already adopted a law which provides as a prerequisite to examination before a board of pharmacy, that the candidate must be a graduate of a college of pharmacy. It is a duty which every pharmacist owes to himself, to the public and the young man to refuse to receive any one wishing to learn the business who is not a graduate of a high school. We would most earnestly recommend that every young man, if possible, become a graduate from a college of pharmacy before presenting himself before this Board for examination. We are living in an age when progress is inscribed on every mile-post in the world's great highway, and he who would win in the race must be an educated man.

The president of our Board had the honor of being appointed a delegate by Your Excellency to represent the Commonwealth of Massachusetts at the conference of American boards of pharmacy, held at Kansas City, September 5 to 10, under the auspices of the American Pharmaceutical Association. Twenty-seven States were represented at this meeting and much good work was accomplished, which we trust in time will bring about a much-needed change, namely, a uniform pharmacy law for all the States in the Union. The conditions are such at the present time that the certificate of one State is not recognized by another except in a very few cases, and a pharmacist must pass a new examination should he wish to locate in a State other than his own. This is an uncalled-for hardship, especially to registered drug clerks. There should be a uniform standard of examinations, and a certificate of registration should be valid in all States of the Union. At the meeting in Kansas City a permanent organization was formed, to be known as the National Association of Boards of Pharmacy, to meet yearly in conjunction with the American Pharmaceutical Association, the purpose of this association being to provide for interstate reciprocity in pharmaceutical licensure, based upon a more uniform standard of pharmaceutical education and legislation.

## ENFORCEMENT OF THE PHARMACY LAW.

The statutes provide that as a prerequisite to obtaining a sixth-class license the applicant must obtain from our Board a certificate of fitness, stating that in our opinion he is a fit person to have the same, and that the public good will be promoted by granting such a license; and in connection with the granting of these certificates an unusual amount of work has devolved on our Board this year. In consequence of investigations made by the police authorities in some of the cities and towns of this State, a large amount of evidence was turned over to us, showing beyond a doubt that some druggists, under the guise of a sixth-class license, which gives them the privilege of selling liquor for medicinal, mechanical and chemical purposes only, had been doing a liquor traffic which would place them in the class of liquor dealers rather than pharmacists, and in all such cases we have refused to grant a new certificate. The pharmacists of this State should understand that a sixth-class license does not give them the right to sell all kinds of liquor at all times, in large or small quantities, to any person who may wish to purchase the same, even though they may certify in writing that they wish it for medicinal, mechanical or chemical purposes. A pharmacist has no right to sell to a person he has good reason to believe will use it for a beverage, and when his liquor sales are greater than his drug business he cannot possibly plead as an excuse that he sold only for medicinal purposes. The greatest foe the legitimate, law-abiding pharmacist of to-day has to meet is the man who, under the disguise of a druggist, runs a liquor store. Without any regard for the ethics of our profession he is usually a trade demoralizer, and the honest pharmacist has to meet his unfair competition. He defrauds the State by doing a first-class liquor business under a sixth-class license. A drug store that cannot live without a liquor license has no excuse for being, and should be abolished. In no State of our Union is the pharmacist granted so great a privilege as the druggist of Massachusetts enjoys under the sixth-class license granted him by our laws. The Commonwealth says to him: "It is necessary there should be a place in every community where liquors can



be purchased for medicinal use, and, relying on your character as a man and your standing as a pharmacist, we grant you this privilege to be used for the good of the public." A large majority of the pharmacists of our State are striving to do an honest and legitimate business, and they should insist that the laws regulating the sixth-class license be lived up to.

When the State created the Board of Registration in Pharmacy, it also enacted certain laws for the purpose of regulating the practice of pharmacy, and it is the business of our Board to see that these laws are enforced, and we should be false to our trust if we did not assume the responsibility of seeing that they are obeyed. It is for the best interest of the public and the legitimate pharmacists that the laws should be respected, and the only reply we have to make to those persons who, during the past year, have criticised our official actions and have sought to prevent our doing our duty, is that it is the purpose of this Board to continue as we have done in the past, to enforce the laws under our jurisdiction without fear, prejudice or partiality, and we think in pursuing this course we shall have the sympathy and support of a large proportion of our brother pharmacists in this Commonwealth.

In January of this year a circular letter was sent to every drug store in the State calling attention to violations of the pharmacy law in leaving stores in charge of unregistered men. We recognize that in many of the smaller stores, that are owned and managed in person by the proprietor, who is a registered pharmacist, the amount of business does not admit of hiring a registered clerk at all times of the year; but when the proprietor is away for days and weeks at a time, transacting other business, or on a vacation, such a condition is an unqualified violation of the law and should not be permitted. When such cases have been brought to our attention, we have, through our agent, investigated them and reported the facts to the proper prosecuting officer. Our agent has, in the discharge of his duties, visited all parts of the State, and every complaint that has come to our office has been investigated.

Many requests having been made to our Board to publish, as a part of our annual report, a list of the registered pharmacists engaged in business in this State, we decided to do so

this year, and had a complete list prepared, but the State Board of Publication refused to allow the same to be printed, on the ground that such a list was uncalled-for and an unnecessary expense to the State.

Respectfully submitted,

GEO. M. HOYT, *President.*

C. F. NIXON, *Secretary.*

HENRY ADAMS.

WM. F. SAWYER.

FRED A. HUBBARD.

BOSTON, MASS., Oct. 1, 1904.

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It is with sorrow and regret that we part with the services of our colleague, Prof. Charles F. Nixon of Leominster, whose term of office expires October 1 of this year. In this instance, at least, the law which forbids a re-appointment on our Board will work a distinct injury to the cause of true pharmacy in our State, for it will be hardly possible to find a man so eminently fitted to perform the duties which he has so faithfully discharged during the years he has served on our Board. A man of scholarly attainments, a leader in his chosen profession, we have been accustomed to look to him for guidance and counsel. He has given himself generously to the service of the State, serving with earnestness in every duty to which he has been called. During his term of five years he has filled the office of both president and secretary. By reason of his retirement from this Board we part with a true and honored friend and the State loses the services of a faithful officer.

GEO. M. HOYT.

HENRY ADAMS.

FRED A. HUBBARD.

## SECRETARY'S REPORT.

### EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows :—

1903-1904.	Days.	Examined.	Registered.	Rejected.	1903-1904.	Days.	Examined.	Registered.	Rejected.
October 6, .	1	7	2	5	March 22, .	1	9	2	7
October 13, .	1	9	5	4	March 29, .	1	11	3	8
October 20, .	1	10	1	9	April 5, .	1	10	4	6
October 27, .	1	7	5	2	April 12, .	1	6	-	6
November 10, .	1	10	4	6	April 26, .	1	9	3	6
November 17, .	1	9	3	6	May 3, .	1	8	4	4
November 24, .	1	10	3	7	May 10, .	1	9	1	8
December 1, .	1	10	6	4	May 17, .	1	9	3	6
December 8, .	1	9	3	6	May 24, .	1	11	7	4
December 15, .	1	9	6	3	May 31, .	1	10	3	7
December 29, .	1	8	2	6	June 1, .	1	12	-	12
January 5, .	1	10	3	7	June 7, .	1	12	5	7
January 12, .	1	10	2	8	June 8, .	1	12	4	8
January 19, .	1	9	2	7	June 14, .	1	12	3	9
January 26, .	1	10	5	5	June 15, .	1	12	4	8
February 2, .	1	10	3	7	June 24, .	1	12	2	10
February 9, .	1	7	2	5	June 28, .	1	10	2	8
February 16, .	1	8	5	3	September 20, .	1	9	3	6
February 23, .	1	12	4	8	September 27, .	1	11	5	6
March 1, .	1	11	4	7	Totals, .	41	397	132	265
March 8, .	1	7	2	5					
March 15, .	1	11	2	9					

Of the 132 certificates granted this year : —

22 passed on first examination.				3 passed on eighth examination.			
40	"	second	"	1	"	ninth	"
21	"	third	"	5	"	tenth	"
12	"	fourth	"	1	"	twelfth	"
14	"	fifth	"	1	"	thirteenth	"
5	"	sixth	"	1	"	fourteenth	"
5	"	seventh	"	1	"	fifteenth	"

#### FINANCIAL STATEMENT FROM OCT. 1, 1903, TO OCT. 1, 1904.

##### *Examinations.*

Fees received for the year ending Sept. 30, 1904 : —

For examinations, 257 at \$3, . . . . .	\$771 00
For examinations, 141 at \$5, . . . . .	705 00
For duplicate certificates, 5 at \$1, . . . . .	5 00
	<hr/>
	\$1,481 00
Paid State Treasurer, . . . . .	\$1,481 00

##### *Certificates of Fitness.*

Amount received from Oct. 1, 1903, to March 1, 1904, for certificates of fitness to expire April 30, 1904 (\$1 each), . . .	\$62 00
Cash paid State Treasurer, certificates having been granted, . . . . .	\$47 00
Fees returned, applications having been rejected or withdrawn, . . . . .	13 00
Amount transferred to new account, applications continued for action by the Board, . . . . .	2 00
Amount received from March 1, 1904, to Oct. 1, 1904, for certificates of fitness to expire April 30, 1905 (\$1 each), . . .	\$1,278 00
Cash paid to State Treasurer, certificates having been granted, . . . . .	\$1,161 00
Fees returned, applications having been rejected or withdrawn, . . . . .	115 00
Amount transferred to new account, applications continued for action by the Board, . . . . .	2 00

##### *Annual Appropriation for the Board for Year ending Dec. 31, 1904.*

Salaries of members, . . . . .	\$2,400 00
Expenses of members, . . . . .	1,475 00
Agent, salary and expenses, . . . . .	2,400 00
Stenographer, witness fees, incidental and contingent expenses, including printing of annual report, . . . . .	1,500 00
	<hr/>
	\$7,775 00

NOTE.—The financial year of the State ends December 31, while the financial year of the Board ends September 30.

*Expenditures of the Board for Year ending Sept. 30, 1904.*

	Salary.	Expense.	Total.
George M. Hoyt, . . . . .	\$500 00	\$307 80	\$807 80*
Charles F. Nixon, . . . . .	1,000 00	485 52	1,485 52
Henry Adams, . . . . .	300 00	462 34	762 34
William F. Sawyer, . . . . .	300 00	51 85	351 85
Fred A. Hubbard, . . . . .	300 00	80 57	380 57
Simon B. Harris, agent, . . . . .	1,500 00	693 21	2,193 21
Bessie B. Burroughs, stenographer, . . . . .	720 00	—	720 00
	<hr/>	<hr/>	<hr/>
	\$4,620 00	\$2,081 29	\$6,701 29
Wright & Potter Printing Company, . . . . .		\$272 65	
The Bradstreet Company, . . . . .		50 00	
Gilman Brothers, . . . . .		55 61	
Press Clipping Bureau, . . . . .		25 60	
The E. L. Patch Company, . . . . .		24 79	
Samuel Ward Company, . . . . .		20 76	
Henry W. Stone, . . . . .		20 70	
Bertha Conley, . . . . .		18 34	
Whitall Tatum Company, . . . . .		15 25	
New England Telephone and Telegraph Company, . . . . .		14 55	
J. L. Hammett Company, . . . . .		10 00	
Remington Typewriter Company, . . . . .		9 80	
Neostyle Company, . . . . .		7 20	
William H. Bradford, . . . . .		7 20	
Sampson Murdock & Company, . . . . .		6 50	
Pocket Manual Company, . . . . .		1 00	
J. L. Morse, . . . . .		1 95	
Belknap & Co., . . . . .		1 75	
Dennison Manufacturing Company, . . . . .		1 60	
Paid for witness fees, . . . . .		69 75	
Paid for laundry for examination department, . . . . .		7 38	
Paid for postal supplies, . . . . .		4 32	
		<hr/>	646 70
			<hr/>
			\$7,347 99

\* Expenses, \$102.10, as delegate to the Conference of American Boards of Pharmacy at Kansas City, Mo.

The following registered pharmacists have died during the past year :—

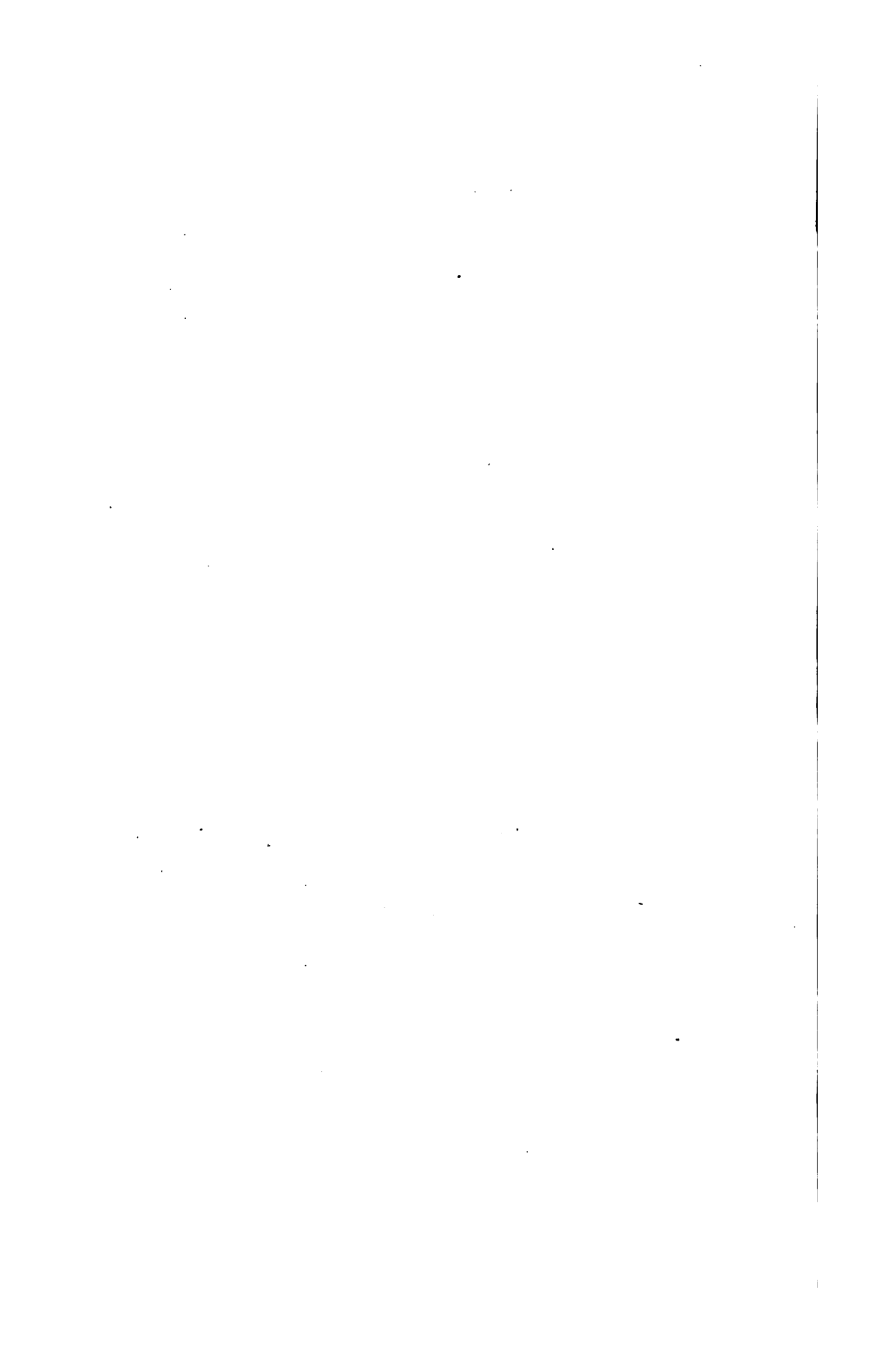
Ames, John N., . . . . .	Chelsea.	Marston, Arthur, . . .	Woburn.
Brackett, Charles L., . . . .	Boston.	Martel, Philius J., . .	Fall River.
Bugby, J. L., . . . . .	Springfield.	Morgan, Richard E., . .	Boston.
Carter, Miles O., . . . . .	Lowell.	Nowell, William F., . .	Boston.
Emery, Joseph H., . . . . .	Lynn.	Saunders, Daniel D., . .	Gloucester.
Fisk, Stephen B., . . . . .	Upton.	Smith, Warren, . . . .	Chicopee.
Garcelon, Harvey S., . . . .	Somerville.	Smith, Frank, . . . . .	East Bridgewater.
Gates, Edward O., . . . . .	Springfield.	Sproat, Clinton, . . . .	Taunton.
Goodnow, Elbridge G., . . . .	Stoneham.	Stover, Joseph W., . . .	Winthrop.
Hollister, William T., . . . .	Westfield.	Vallancourt, A. F., . .	Canada.
Hull, Frederick A., . . . . .	Pittsfield.	Whitney, Henry M., . . .	North Andover.
Hyland, James F., . . . . .	Fall River.	Willard, William H., . .	Worcester.
Lewis, Edgar, . . . . .	Boston.	Wood, Everett E., . . .	Millbury.

#### SUMMARY FOR THE YEAR ENDING SEPT. 30, 1904.

Number of meetings held for hearings and miscellaneous business, .	22
Number of hearings on applications for certificates of fitness, . .	149
Number of hearings on violations of the pharmacy law, . . . .	18
Number of hearings on applications for reinstatement, . . . .	6
Number of hearings on applications for duplicate certificates, . .	1
Number of certificates suspended for four years, . . . . .	1
Number of certificates suspended for three years, . . . . .	2
Number of certificates suspended for two years, . . . . .	6
Number of certificates suspended for one year, . . . . .	1
Number of certificates suspended for six months, . . . . .	2
Number of certificates suspended for three months, . . . . .	1
Number of certificates suspended for two months, . . . . .	1
Number of cases continued for sentence, . . . . .	2
Number of pharmacists reinstated, . . . . .	3
Number of drug stores doing business in the State, . . . . .	1,522
Number of drug stores closed during the year, . . . . .	20
Number of new stores opened during the year, . . . . .	12
Number of stores found owned by unregistered proprietors, . . .	15
Number of complaints made to the Board investigated, . . . .	180
Number of complaints reported for prosecution, . . . . .	50
Number convicted, . . . . .	40
Number of cases continued for trial, . . . . .	8
Number found not guilty, . . . . .	2
Number imprisoned, . . . . .	1
Amount of fines imposed, . . . . .	\$2,600
Number of formal complaints made to the Board, . . . . .	26

C. F. NIXON,

*Secretary.*



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**LAWS**

**RELATING TO**

**THE PRACTICE OF PHARMACY**

**IN**

**MASSACHUSETTS.**

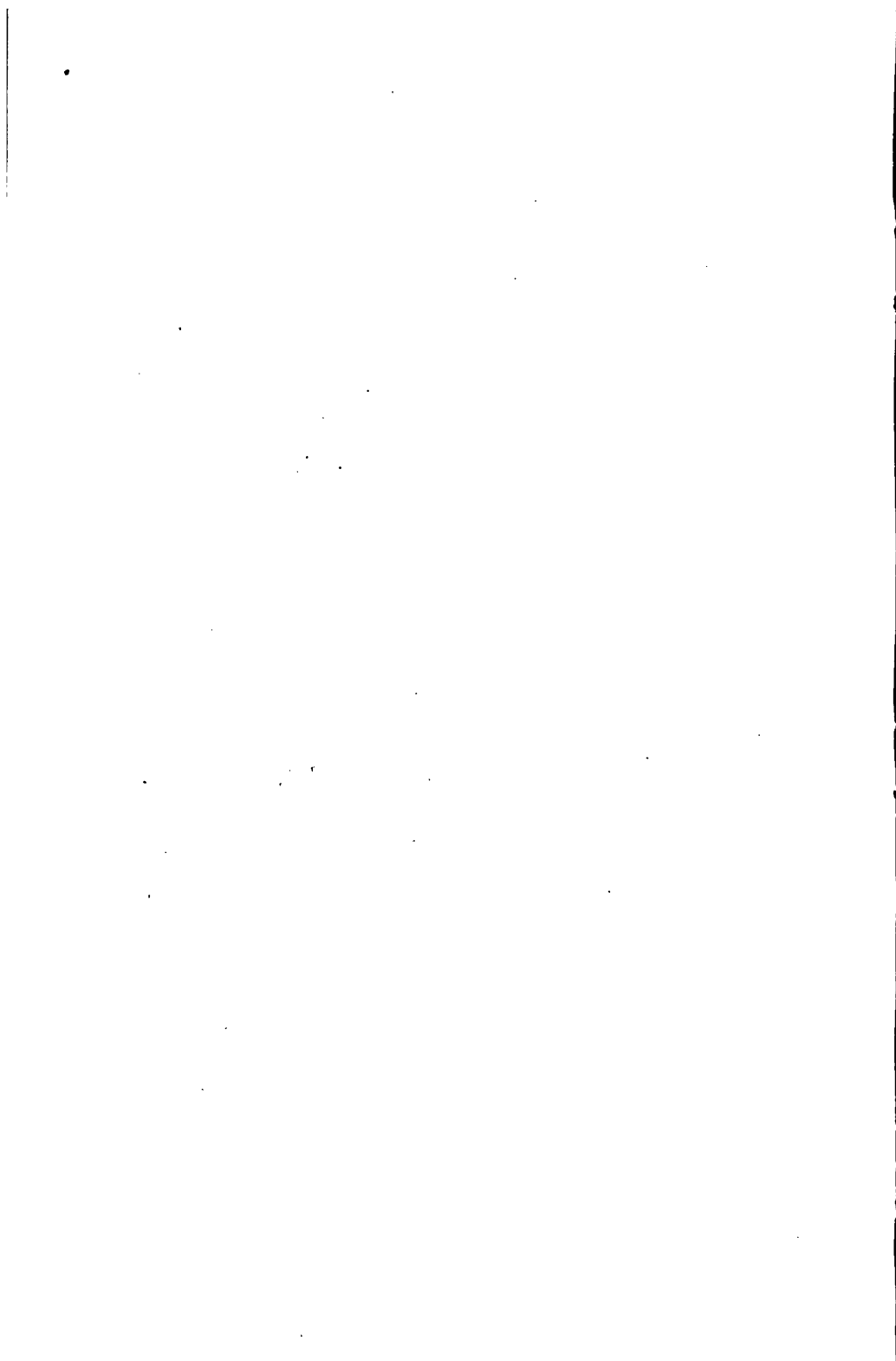
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**1904.**

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## LAWS RELATING TO PHARMACY.

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[CHAPTER 76, REVISED LAWS.]

### REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver-general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12.\* Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and

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\* See act to establish salaries of members, on page 28.

travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board

shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture

travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

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shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

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SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

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SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture

or sale of patent and proprietary medicines ; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others ; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or, the wife of one who has become incapacitated may continue his business under a registered pharmacist.

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[CHAPTER 100, REVISED LAWS.]

LAWS AND CONDITIONS RELATIVE TO DRUGGISTS' LIQUOR LICENSE.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same ; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

SECTION 17. Each license shall be expressed, to be subject to the following conditions : —

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Second,\* That spirituous or intoxicating liquors shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day ; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food or lodging.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopoeia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

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\* See section 25.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

Fifth, That there shall be no disorder, indecency, prostitution, lewdness or illegal gaming on the licensed premises or on any premises connected therewith by an interior communication.

Sixth, That the license, or a copy thereof certified by the recording officer of the licensing board or by the clerk of the city or town by which it is issued, shall be displayed on the premises, in a conspicuous position, where it can easily be read.

Seventh, That the license shall be subject to forfeiture, as herein provided, for breach of any of its conditions; and that, if the licensee is convicted of a violation of any of such conditions, his license shall thereupon become void.

Each license of the first five classes shall be subject to the further condition that the licensee shall not sell, give away or deliver on the licensed premises any intoxicating liquors on a legal holiday as defined in section five of chapter eight or on any day on which a national, state, city or annual town election is held in the city or town in which the licensed premises are situated, except the day of an election in a city if such election is not required to be held in the ward in which the licensed premises are situated; but this condition shall not apply to a wholesale druggist who, on the day of an election as aforesaid, sells, gives away or delivers intoxicating liquors on the licensed premises, nor to an innkeeper who sells, gives away or delivers in his inn any intoxicating liquor to a guest who has resorted to his inn for food or lodging; but an innkeeper shall not upon such holiday sell, give away or deliver intoxicating liquor in his inn under a fourth or fifth class license.

. . . . .  
SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor



and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by

street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows: —

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book and shall not be detached therefrom, and shall be in form substantially as follows: —

*Certificate.*

I wish to purchase \_\_\_\_\_  
and I certify that I am not a minor and that the same is to be used for  
\* Mechanical \* Chemical \* Medicinal purposes. [\* Draw a line through  
the words which do not indicate the purpose of the purchase.]

Signature \_\_\_\_\_

Cancelled \_\_\_\_\_

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

. . . . .

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

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[CHAPTER 213, REVISED LAWS.]

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats," strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines

or trees, except that he shall record each sale and label each package sold, as above provided.

SECTION 3. Whoever sells a cigarette to a person under eighteen years of age, or whoever sells snuff or tobacco in any of its forms to a person under sixteen years of age, or, not being his parent or guardian, gives a cigarette to a person under eighteen years of age, or gives snuff or tobacco in any of its forms to a person under sixteen years of age, shall be punished by a fine of not more than fifty dollars.

SECTION 4. Whoever sells to a person under sixteen years of age any candy or other article enclosing liquid or syrup containing more than one per cent of alcohol shall be punished by a fine of not less than fifty nor more than one hundred dollars.

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[CHAPTER 321, ACTS OF 1902.]

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY  
TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUS-  
PENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGIS-  
TRATION.

*Be it enacted, etc., as follows:*

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended," in the fifth line, the words: — or revoked, — and by adding at the end thereof the words: — The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require, — so as to read as follows: — *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage. [*Approved April 18, 1902.*]

## [CHAPTER 505, ACTS OF 1902.]

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD  
OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN  
PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

*Be it enacted, etc., as follows:*

SECTION 1. The secretary of the board of registration in medicine shall receive a salary of twenty-five hundred dollars a year, and the other members of the said board shall each receive a salary of three hundred dollars a year.

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 3. The chairman and secretary of the board of registration in dentistry shall each receive a salary of four hundred dollars a year, and the other members of said board shall each receive a salary of two hundred dollars a year.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the Commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine, before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two. [Approved June 23, 1902.]

## [CHAPTER 49, ACTS OF 1904.]

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION  
IN PHARMACY.

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in pharmacy, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit: —

For the salaries of the members of the board, twenty-four hundred dollars.

For travelling and other expenses of the members of the board, a sum not exceeding fourteen hundred and seventy-five dollars.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars.

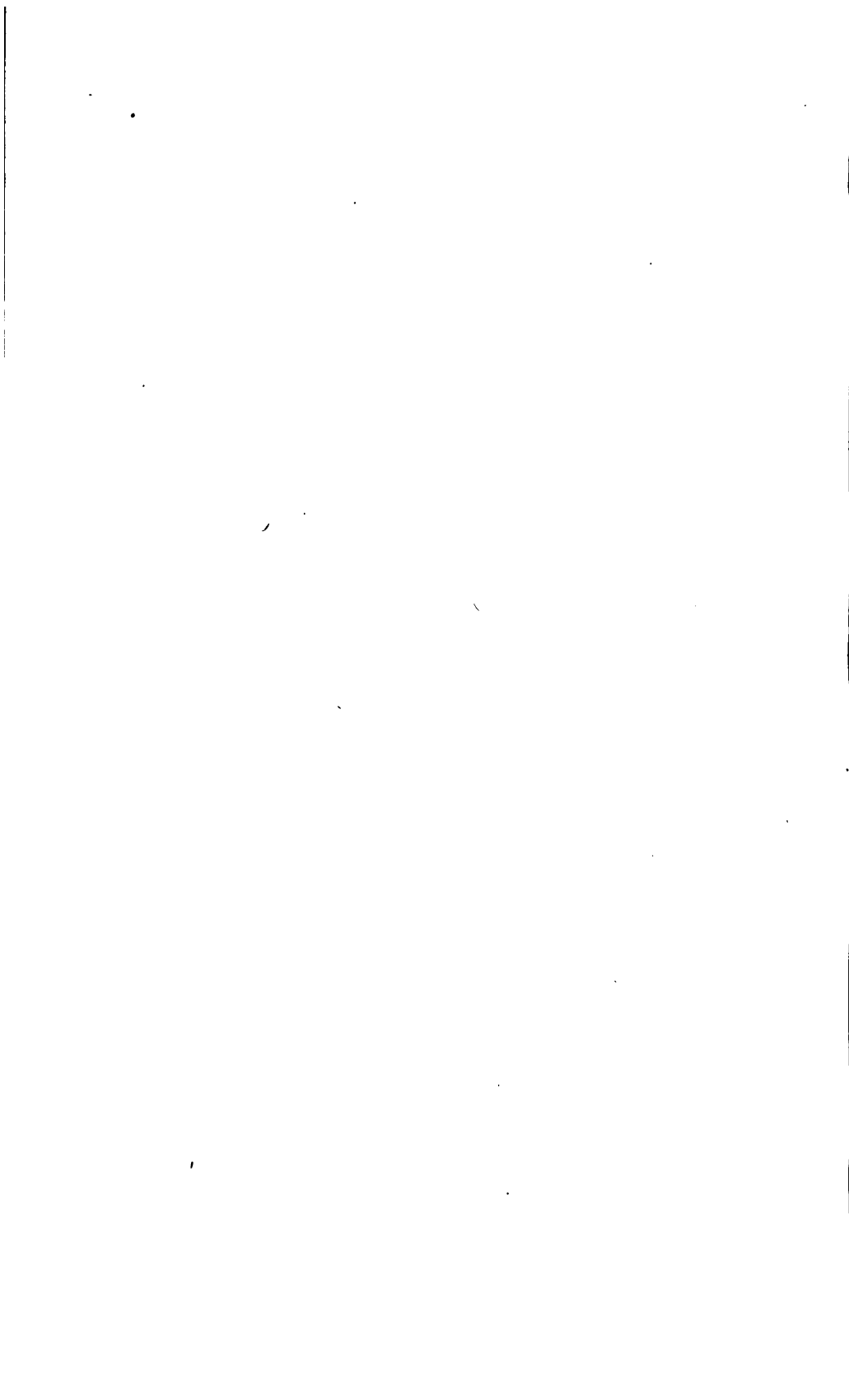
For a stenographer, witness fees, and for incidental and contingent expenses of the board, including the printing of the annual report, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage. [*Approved February 6, 1904.*]









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. . . . No. 39.

**TWENTIETH ANNUAL REPORT**

**OF THE**

**MASSACHUSETTS BOARD OF REGISTRATION**

**IN PHARMACY,**

**FOR THE**

**YEAR ENDING SEPTEMBER 30, 1905.**



**BOSTON :**  
**WRIGHT & POTTER PRINTING CO., STATE PRINTERS,**  
**18 POST OFFICE SQUARE.**  
**1906.**



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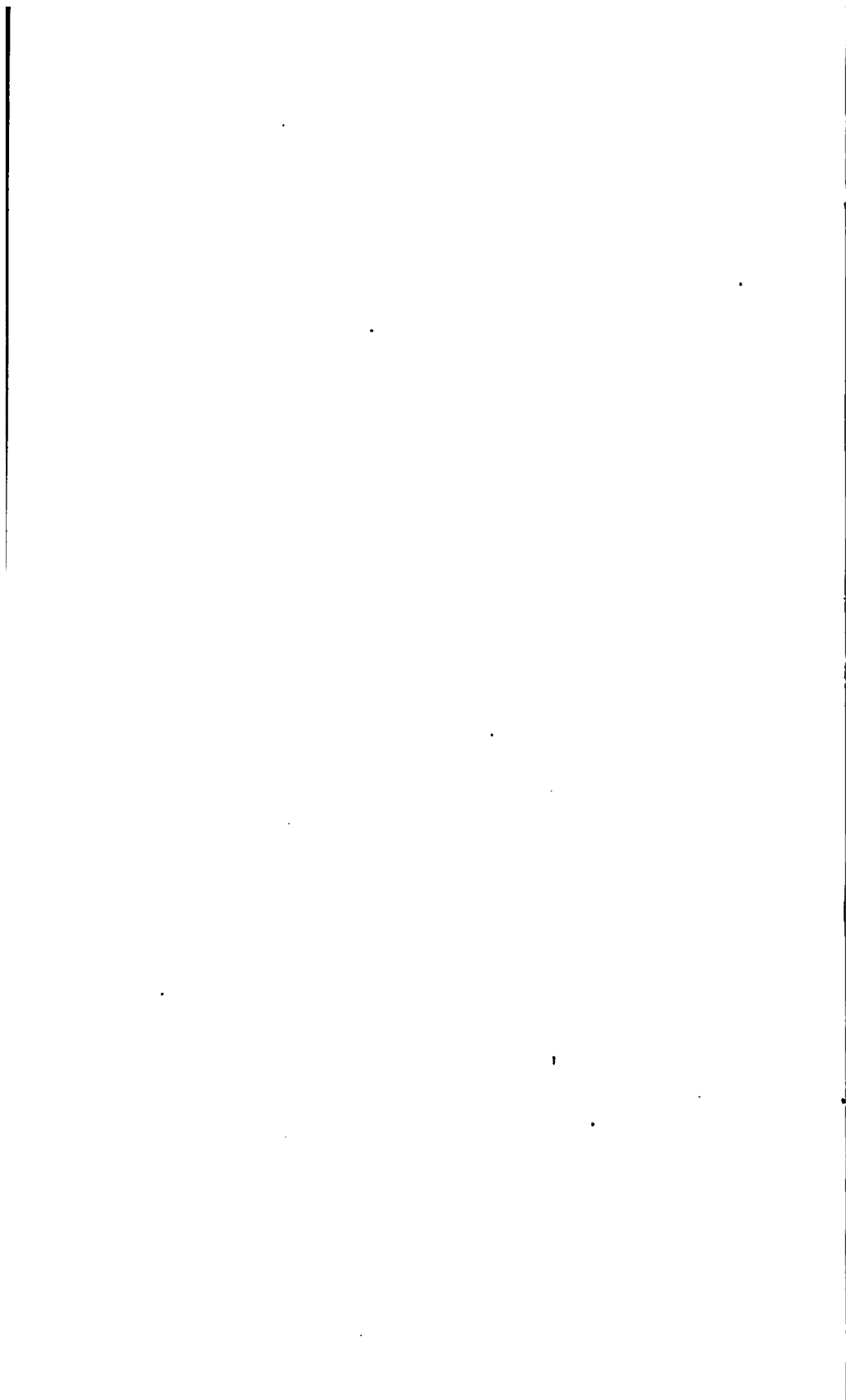


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**18 POST OFFICE SQUARE.**  
**1906.**

APPROVED BY  
THE STATE BOARD OF PUBLICATION.

*L. b. n.*

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## NAMES OF BOARD AND OFFICERS.

---

HENRY ADAMS, *President.*

FRED A. HUBBARD, *Secretary.*

WILLIAM F. SAWYER.

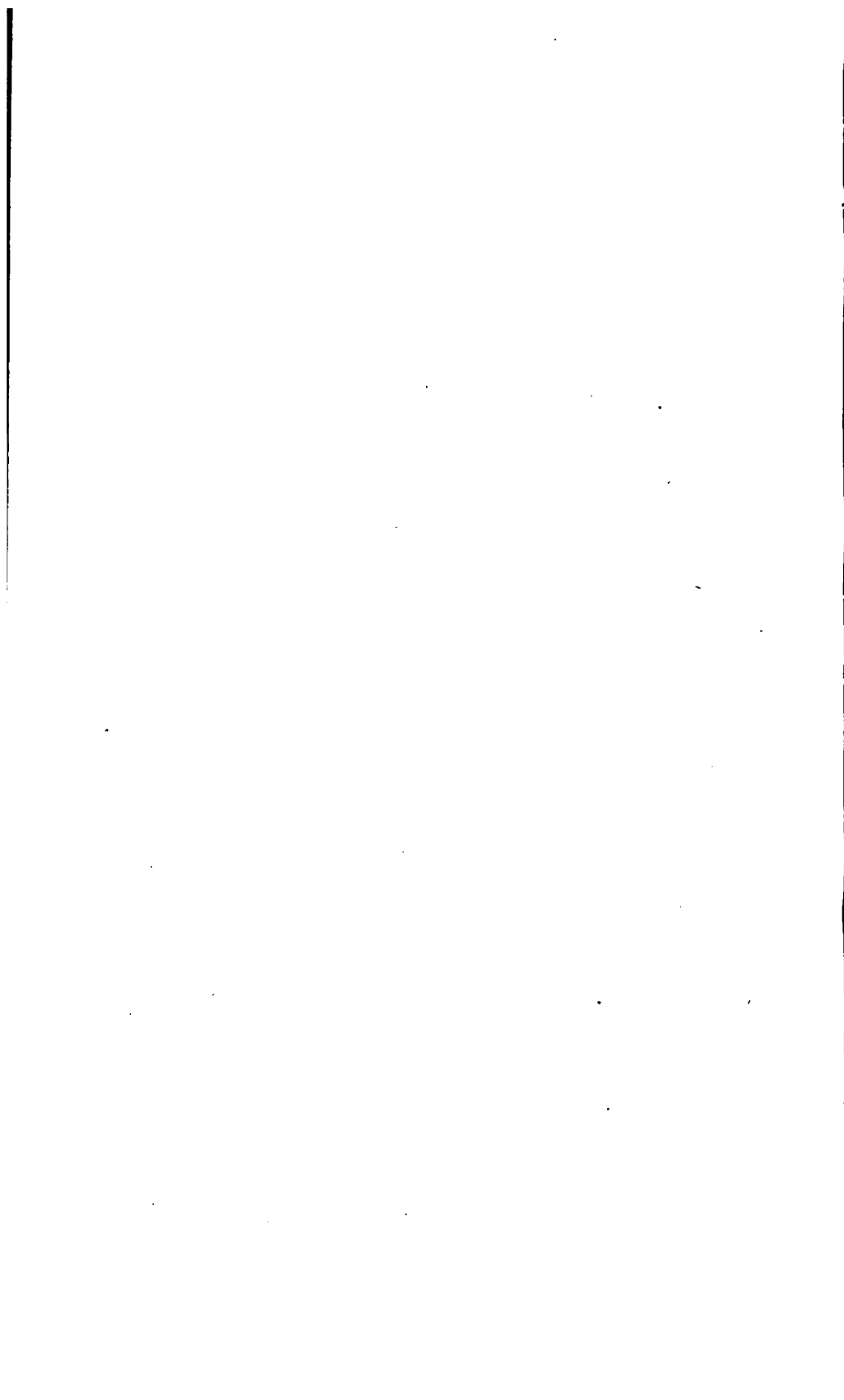
LUCIEN A. LAMSON.

CHARLES F. RIPLEY.

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JOSEPH E. BUSWELL, *Agent.*





# Commonwealth of Massachusetts.

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## REPORT.

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To His Excellency WILLIAM L. DOUGLAS, *Governor*.

In accordance with the laws of the Commonwealth, we have the honor to respectfully submit the following report concerning the condition of pharmacy in this State, and the official acts and financial transactions of the Board of Registration in Pharmacy.

There is evidence of improvement in the practice of pharmacy throughout the State, from a commercial point of view, and the same may be said from the professional standpoint. It is evident that the young men intending to make this their profession are giving more time to study, and the standard is gradually being raised. The increased attendance at the College of Pharmacy shows the desire for proper qualification, and the larger per cent. of successful candidates for certificates of registration is indicative of more careful study.

In 1904 at Kansas City the National Association of Boards of Pharmacy was formed, one purpose of which was the future reciprocity between States of certificates of registration. At the meeting at Atlantic City, in September, 1905, this Board was represented by the secretary, Mr. F. A. Hubbard, and Mr. William F. Sawyer. At present there are active and associate boards constituting the National Association, — the former of those States that have adopted the interchange of certificates of registration, and the latter those who have joined the association but not accepted the interchange of certificates. The laws of Massachusetts do not

permit registration except by examination; and we would recommend that they be so amended or changed that certificates from other States may be accepted as evidence of qualification to practise pharmacy in this Commonwealth, providing that in the examination of the applicant he received five per cent. more than the minimum per cent. required by the Massachusetts Board.

The law in relation to a registered pharmacist forming a copartnership with those who are not pharmacists, to carry on the drug business, is lax, and leads to the creation of drug stores to do a business not recognized by respectable druggists. We would therefore recommend that a registered pharmacist should have at least an unincumbered financial interest of five hundred dollars in a copartnership with persons not registered pharmacists, to carry on the business of pharmacy, and that the present laws relating to pharmacy be amended in this respect.

Complaints against druggists brought into court for alleged violation of the pharmacy laws are frequently made to the Board after the expiration of the limit of fifteen days from date of act complained of; and it is recommended that the portion of section 16, chapter 76, Revised Laws, beginning with line 12, be amended by striking out the words "within fifteen days after the date of the act complained of," and substituting the words "after conviction by a court of competent jurisdiction," so as to read, "Such complaint shall set out the offence alleged, and be made after conviction by a court of competent jurisdiction."

Under section 23, chapter 76, Revised Laws, we would recommend defining more closely what may be sold as "non-poisonous, domestic remedies," by grocers and others, as it is found in many cases the assortment carried by them would compare favorably with that of a well-equipped drug store, and it is difficult to draw the line of demarcation.

In many States the supervision of the poison law and the care for purity of drugs are in charge of the boards of pharmacy, while in this Commonwealth they rest with the Board of Health. It would seem eminently proper that they should come under the jurisdiction of the Board of Registration in

Pharmacy, and we recommend that they be transferred to this Board.

The salaries received by the Board of Registration do not, in some cases, amount to as much as the members have to pay for required additional clerical help in conducting their individual business; and it is deemed proper that they should receive just compensation for services rendered.

Respectfully submitted,

HENRY ADAMS, *President*.  
FRED A. HUBBARD, *Secretary*.  
WM. F. SAWYER.  
L. A. LAMSON.  
CHARLES F. RIPLEY.

BOSTON, MASS., Sept. 30, 1905.

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The resignation from the Board of President George M. Hoyt of East Weymouth, the latter part of February, was to be regretted, as the service rendered by him was valuable and always for the best interest of pharmacy. In the selection of Mr. Charles F. Ripley of Taunton to fill the vacancy a most admirable choice was made, for he quickly made himself familiar with his duties, and proved himself a valuable assistant in the work of the Board.

HENRY ADAMS.  
FRED A. HUBBARD.  
WM. F. SAWYER.  
L. A. LAMSON.

## SECRETARY'S REPORT.

### EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows:—

1904-1905.	Days.	Examined.	Registered.	Rejected.	1904-1905.	Days.	Examined.	Registered.	Rejected.
October 4, .	1	7	1	6	March 28, .	1	11	4	7
October 11, .	1	10	4	6	April 4, . .	1	12	5	7
October 18, .	1	9	3	6	April 11, . .	1	11	7	4
October 25, .	1	9	3	6	April 18, . .	1	12	—	12
November 1, .	1	9	1	8	April 25, . .	1	11	4	7
November 15, .	1	11	2	9	May 2, . . .	1	7	3	4
November 22, .	1	9	5	4	May 9, . . .	1	10	1	9
November 29, .	1	8	2	6	May 16, . . .	1	9	1	8
December 13, .	1	9	3	6	May 23, . . .	1	10	1	9
December 27, .	1	10	3	7	May 29, . . .	1	11	4	7
January 3, . .	1	9	2	7	June 6, . . .	1	12	4	8
January 10, . .	1	11	1	10	June 13, . . .	1	12	4	8
January 17, . .	1	8	6	2	June 19, . . .	1	12	4	8
January 24, . .	1	4	3	1	June 26, . . .	1	10	2	8
January 31, . .	1	7	2	5	June 27, . . .	1	13	2	11
February 7, . .	1	9	2	7	June 30, . . .	1	11	4	7
February 14, . .	1	9	5	4	September 26, .	1	10	5	5
February 21, . .	1	12	5	7					
February 28, . .	1	13	7	6					
March 14, . . .	1	11	6	5					
					Totals, . . .	37	368	121	247

Of the 121 certificates granted this year:—

33 passed on first examination.	10 passed on sixth examination.
25 " second "	4 " seventh "
24 " third "	1 " fifteenth "
17 " fourth "	1 " twenty-second "
6 " fifth "	

Fees for examination received for the year ending Sept. 30, 1905:—

For first examinations, 167 at \$5, . . .	\$835 00	
For re-examinations, 263 at \$3, . . .	789 00	
For duplicate certificates, 5 at \$1, . . .	5 00	
		\$1,629 00

Fees returned to applicants, upon their request		
not to be examined, 2 at \$5, . . .	\$10 00	
Cash paid to State Treasurer, . . .	1,619 00	
		\$1,629 00

Fees received for certificates of fitness from Oct. 1, 1904, to March 1, 1905:—

For certificates of fitness to expire April 30, 1905, 73 at \$1, . . .		\$73 00
Cash paid to State Treasurer, certificates having been granted, . . .	\$45 00	
Fees returned, applications having been rejected or withdrawn, . . .	26 00	
Fees transferred to new account, applications continued for action by the Board, . . .	2 00	
		\$73 00

Fees received for certificates of fitness from March 1, 1905, to Oct. 1, 1905:—

For certificates of fitness to expire April 30, 1906, 1,289 at \$1, . . .		\$1,289 00
Cash paid to State Treasurer, certificates having been granted, . . .	\$1,179 00	
Fees returned, applications having been rejected or withdrawn, . . .	107 00	
Fees transferred to new account, applications continued for action by the Board, . . .	3 00	
		\$1,289 00

Annual appropriation of the Board, for the year ending Dec. 31, 1906:—

Salaries of members, . . .	\$2,400 00
Expenses of members, . . .	1,475 00
Agent, salary and expense, . . .	2,400 00
Stenographer, witness fees, incidental and contingent expenses, including printing of annual report, . . .	1,500 00
	\$7,775 00

NOTE.—The financial year of the State ends December 31, while the financial year of the Board ends September 30.

**Salaries of members:—**

George M. Hoyt, president five months, . . .	\$208 33	
Henry Adams, five months as member and seven months as president of Board, . . .	416 67	
Fred A. Hubbard, secretary, . . . . .	1,000 00	
William F. Sawyer, . . . . .	300 00	
L. A. Lamson, appointed as a member of the Board the latter part of October, 1904, . . .	280 64	
Charles F. Ripley, member of the Board five and two-thirds months, . . . . .	141 67	
		<b>\$2,347 31</b>

**Expenses of members:—**

George M. Hoyt, . . . . .	\$78 45	
Henry Adams, . . . . .	414 70	
Fred A. Hubbard, . . . . .	252 32	
William F. Sawyer, . . . . .	110 49	
L. A. Lamson, . . . . .	173 51	
Charles F. Ripley, . . . . .	59 55	
		<b>1,089 02</b>

**Agent, salary and expenses:—**

Simon B. Harris, salary four months and work per diem two months, . . . . .	\$760 00	
Expenses, . . . . .	368 43	
Joseph E. Buswell, salary six months, . . .	750 00	
Expenses, . . . . .	284 35	
		<b>2,162 78</b>

**Stenographer, witness fees, incidental and contingent expenses:—**

Bessie B. Burroughs, salary and over-time services, . . . . .	\$741 50	
Witness fees, . . . . .	103 75	
Wright & Potter, . . . . .	157 35	
Laundry for examination department, . . .	8 49	
G. M. Hoyt, telephone expense, . . . . .	1 10	
For postal supplies, . . . . .	3 39	
Press Clipping Bureau, . . . . .	25 70	
Gilman Brothers, . . . . .	68 13	
New England Telephone and Telegraph Com- pany, . . . . .	17 19	
Pocket Manual Company, . . . . .	1 00	
Whitall Tatum Company, . . . . .	3 69	
Dennison Manufacturing Company, . . . . .	2 55	
J. L. Hammett Company, . . . . .	12 00	
Samuel Ward Company, . . . . .	48 27	
Remington Typewriter Company, . . . . .	68 95	
<i>Amounts carried forward,</i> . . . . .	<b>\$1,263 06</b>	<b>\$5,599 11</b>

*Amounts brought forward,* . . . . \$1,263 06 \$5,599 11

Stenographer, witness fees, incidental and contingent expenses — *Concluded.*

Henry W. Stone, . . . . .	18 75	
Old Corner Book Store, . . . . .	7 25	
J. E. Fairbanks Company, . . . . .	14 20	
William H. Bradford, . . . . .	1 45	
Houghton & Dutton, . . . . .	1 25	
National Association of State Boards of Pharmacy, . . . . .	10 00	
Clerk of courts, . . . . .	50	
Sampson, Murdock Company, . . . . .	6 50	
Neostyle Company, . . . . .	1 30	
Pocket Manual Company, . . . . .	1 00	
		1,325 26
		<u>\$6,924 37</u>

The following registered pharmacists have died during the past year: —

Adams, Amasa P., . . . . Thorndike.	Menard, Anthyme S., . . Holyoke.
Arsenault, Dennis A., . . Southbridge.	Murphy, Cornelius, . . . Brockton.
Baker, Albert M., . . . . Boston.	Poor, Edwin, . . . . . Haverhill.
Baker, Lewis H., . . . . Provincetown.	Roche, Edson M., . . . Deerfield.
Barker, Anson J., . . . . Taunton.	Spiller, Fred M., . . . Abington.
Crane, Charles H., . . . . Somerville.	Strong, William H., . . . Fall River.
Davis, William H., . . . . Fall River.	Sullivan, James J., . . . Springfield.
Douglass, Frank M., . . . New Bedford.	Trickey, Daniel W., . . . Boston.
Henotte, Constant, . . . . Lowell.	Upton, Albert A., . . . Worcester.
Kellogg, George F., . . . Brookline.	Von der Heyde, Otto, . . Boston.
Kennedy, John J., . . . . Framingham.	Webster, George C., . . . Boston.
Lakin, John H., . . . . Boston.	Wells, Charles W., . . . Lowell.
Losee, James H., . . . . Springfield.	Wilson, John B., . . . . Mansfield.
Manning, Francis T., . . . Lynn.	



## SUMMARY.

Number of meetings held for hearings and miscellaneous business,	17
Number of hearings on applications for certificates of fitness, .	196
Number of hearings on violations of the pharmacy law, . .	12
Number of hearings on applications for reinstatement, . .	6
Number of hearings on applications for duplicate certificates, .	2
Number of certificates suspended for five years, . . . .	2
Number of certificates suspended for two years, . . . .	5
Number of certificates suspended for one year, . . . .	1
Number of certificates suspended for six months, . . . .	2
Number of cases continued for sentence, . . . .	2
Number of pharmacists reinstated, . . . .	2
Number of cases reopened and sentences changed, . . . .	2
Number of drug stores doing business in the State, . . . .	1,515
Number of drug stores closed during the year, . . . .	27
Number of new stores opened during the year, . . . .	18
Number of stores found owned by unregistered proprietors, .	10
Number of complaints made to the Board investigated, . .	136
Number of complaints reported for prosecution, . . . .	29
Number of druggists convicted in court, . . . .	24
Number of cases continued for trial, . . . .	12
Number of cases placed on file, . . . .	1
Number found not guilty, . . . .	1
Number imprisoned, . . . .	1
Amount of fines imposed, . . . .	\$675
Number of formal complaints made to the Board by its agent, .	21

FRED A. HUBBARD,  
*Secretary.*

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**L A W S**

RELATING TO

**THE PRACTICE OF PHARMACY**

IN

**MASSACHUSETTS.**

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1905.

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## LAWS RELATING TO PHARMACY.

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### CHAPTER 76, REVISED LAWS.

#### REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12. Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may be necessary for the com-

pensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquor; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds

the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, com-

pounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

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#### CHAPTER 100, REVISED LAWS.

##### INTOXICATING LIQUORS, — DRUGGISTS AND APOTHECARIES.

SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business

in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

*Certificate.*

I wish to purchase \_\_\_\_\_  
and I certify that I am not a minor and that the same is to be used for  
\* Mechanical \* Chemical \* Medicinal purposes. [\* Draw a line through  
the words which do not indicate the purpose of the purchase.]

Signature \_\_\_\_\_

Cancelled \_\_\_\_\_

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other



cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten. of chapter two hundred and twenty shall not apply to such sentence.

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CHAPTER 100, REVISED LAWS.

GRANTING OF LICENSES BY LOCAL BOARD.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

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CHAPTER 100, REVISED LAWS.

CONDITIONS OF LICENSES.

SECTION 17. Each license shall be expressed, to be subject to the following conditions:—

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of

good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

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CHAPTER 100, REVISED LAWS.

FORFEITURE OF LICENSE.

SECTION 47. The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, upon satisfactory proof that he has violated or permitted a violation of any condition thereof. The pendency of proceedings before a court of justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

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CHAPTER 100, REVISED LAWS.

TRANSFER OF LICENSES.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to

the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

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CHAPTER 213, REVISED LAWS.

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

## CHAPTER 321, ACTS OF 1902.

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

*Be it enacted, etc., as follows:*

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended", in the fifth line, the words:— or revoked,— and by adding at the end thereof the words:— The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require,— so as to read as follows:— *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage.

[*Approved April 18, 1902.*]

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CHAPTER 327, ACTS OF 1902.

AN ACT RELATIVE TO CONDUCTING THE BUSINESS OF A DECEASED PHARMACIST BY HIS WIDOW, EXECUTOR OR ADMINISTRATOR.

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty-three of chapter seventy-six of the Revised Laws is hereby amended by adding at the end thereof the words:— who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder,— so as to read as follows:— *Section 23.* The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred,

section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

SECTION 2. This act shall take effect upon its passage.

[*Approved April 18, 1902.*]

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CHAPTER 505, ACTS OF 1902.

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

*Be it enacted, etc., as follows:*

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the Commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine,

before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two.

[*Approved June 23, 1902.*]

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CHAPTER 50, ACTS OF 1905.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in pharmacy, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

For the salaries of the members of the board, twenty-four hundred dollars.

For travelling and other expenses of the board, a sum not exceeding fourteen hundred and seventy-five dollars.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars.

For a stenographer, for witness fees, and for other incidental and contingent expenses of the board, the same to include printing the annual report, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

[*Approved February 6, 1905.*]

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CHAPTER 220, ACTS OF 1905.

AN ACT RELATIVE TO WOOD ALCOHOL.

*Be it enacted, etc., as follows :*

SECTION 1. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison", in black letters of uncondensed Gothic type not less than one-

fourth of an inch in height. Whoever violates the provisions of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

SECTION 2. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

*[Approved March 27, 1905.]*

PUBLIC DOCUMENT . . . .

. . . . No. 39.

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**TWENTY-FIRST ANNUAL REPORT**

**OF THE**

**MASSACHUSETTS BOARD OF REGISTRATION**

**IN PHARMACY,**

**FOR THE**

**YEAR ENDING SEPTEMBER 30, 1906.**



**BOSTON :**  
**WRIGHT & POTTER PRINTING CO., STATE PRINTERS,**  
**18 POST OFFICE SQUARE.**  
**1907.**



**APPROVED BY**  
**THE STATE BOARD OF PUBLICATION.**

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## NAMES OF BOARD AND OFFICERS.

---

HENRY ADAMS, *President.*

WM. F. SAWYER, *Secretary.*

FRED A. HUBBARD.

LUCIAN A. LAMSON.

CHARLES N. SWIFT.

---

JOSEPH E. BUSWELL, *Agent.*



# Commonwealth of Massachusetts.

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## REPORT.

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To His Excellency CURTIS GUILD, Jr., *Governor.*

In compliance with the laws of the Commonwealth, we have the honor to submit the following report.

The general condition of pharmacy in the Commonwealth will compare favorably with previous years. A canvass of the State shows that this has been a prosperous year with the pharmacist, with but a few exceptions due to local causes.

At the last session of the Legislature an act was passed giving registered pharmacists, in cities and towns where licenses for the sale of intoxicating liquors of the first five classes are not granted, the right to sell liquor upon the prescription of a registered physician practising in such city or town, he having been granted a certificate of fitness from this Board. These certificates were granted in 55 cities and towns, and reports from a majority show the exercise of this privilege has been generally satisfactory, meeting with the approval of the officials of these cities and towns.

At the annual meeting of the National Association of Boards of Pharmacy, held in Indianapolis, Ind., in September, this Board was represented by Charles N. Swift and Fred A. Hubbard. The following is a report of the delegates:—

MR. PRESIDENT:—Upon recommendation of the Massachusetts Board of Registration in Pharmacy, His Excellency the Governor appointed two delegates to the National Convention of Boards of Pharmacy, said convention to be held at Indian-

apolis, Ind., during the week beginning Sept. 4, 1906, at Claypool Hotel. Your delegates beg leave to submit the following report:—

Seven sessions were held, and nearly every State and Territory was represented by delegates. President J. A. Keith of South Dakota presided, and Dr. G. E. Diekman of New York was secretary *pro tem*.

The president of the association read an address, which was referred to a committee. The committee reported to the convention with recommendations, which were discussed and adopted. Nearly a whole session was consumed in this discussion, and a committee on resolutions was appointed to hasten the work; said committee rendered the following report, which was adopted: that a committee of five be elected from the floor every year, for the purpose of preparing examination questions for a guide to the boards of pharmacy throughout the country. The following were elected: G. C. Diekman, New York; W. R. Ogier, Ohio; G. F. Payne, Georgia; C. N. Swift, Massachusetts; and D. F. Jones, South Dakota.

The recommendations of the joint conference of pharmaceutical faculties and boards of pharmacy were presented and discussed in full, occupying two whole sessions; and the secretary of the convention was instructed to have printed in proper form the provisions as adopted, and send to the constituent boards of pharmacy when completed.

The election of officers for the ensuing year was as follows: president, F. C. Godbold, Louisiana; first vice-president, F. A. Hubbard, Massachusetts; second vice-president, Chas. B. Woodward, Indiana; third vice-president, Kittie W. Harbord, Oregon; secretary-treasurer, Geo. C. Diekman, New York; examination committee, John D. Muir, Wisconsin.

Very respectfully yours,

CHAS. N. SWIFT,  
FRED A. HUBBARD,  
*Delegates.*

We would recommend slight changes in the pharmacy laws, namely, in section 16, chapter 76, we would recommend that the fifteen days' limit for making complaints be extended to "thirty days after final conviction in courts having competent jurisdiction."

We would also recommend that section 21, chapter 100, be amended so that only those druggists having a sixth-class license or a certificate of fitness should be allowed to sell

pure alcohol. We recommend this change because of the fact that the intent of the law allowing such sale to be made without a license is being violated, and unscrupulous persons have taken advantage of its provisions to establish drug stores only in name, disgracing an honorable profession, and becoming a nuisance to the community in which they are located.

The question papers, compiled for examinations during the past year, were formulated outside the regular meetings, and necessitated a great deal of extra time on the part of members of the Board. Although we have examined more candidates at each meeting, and have increased the desk room to its greatest capacity, we feel that more examinations could have been held to advantage during the year; but, owing to the extra expense incurred by members coming from a distance to the office, the Board was unable to hold these additional meetings. The Board is therefore obliged to ask for an increase of the appropriation for the members' expense account of \$250. Many of the hearings which are enumerated in the secretary's report have occupied two or three hours, and have been extended well into the evening, many witnesses and the defendants with their attorneys being present.

A detailed account of the work of the Board will be found in the secretary's report, appended hereto.

Respectfully submitted,

HENRY ADAMS, *President.*

WM. F. SAWYER, *Secretary.*

FRED A. HUBBARD.

L. A. LAMSON.

CHAS. N. SWIFT.

SEPT. 30, 1906.

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*Whereas*, The retiring member of this Board, Dr. Henry Adams of Springfield, has served the State for five years with credit to himself and a benefit to the cause of pharmacy, we, the remaining members of the Board, desire to express in



this formal manner our appreciation of the valuable services of Dr. Adams, his consistent work and manly manner, showing himself as a man of worth and character.

*Therefore be it resolved,* That these resolutions be spread upon the records of this Board; also, that a copy of this resolution be sent to Dr. Adams.

WM. F. SAWYER.

FRED A. HUBBARD.

L. A. LAMSON.

CHAS. N. SWIFT.

## SECRETARY'S REPORT.

### EXAMINATIONS.

1905-1906.	Days.	Examined.	Passed.	Rejected.	1905-1906.	Days.	Examined.	Passed.	Rejected.
October 3, .	1	10	7	3	March 20, .	1	16	7	9
October 10, .	1	11	6	5	March 27, .	1	14	5	9
October 17, .	1	10	6	4	April 3, .	1	14	8	11
October 24, .	1	11	7	4	April 17, .	1	12	7	5
October 31, .	1	10	1	9	May 1, .	1	8	2	6
November 6, .	1	11	4	7	May 8, .	1	10	2	8
November 14, .	1	31	14	17	May 15, .	1	12	4	8
November 21, .	1	31	19	12	May 22, .	1	11	1	10
November 27, .	1	14	8	6	May 29, .	1	13	5	8
November 28, .	1	16	7	9	June 5, .	1	12	2	10
December 5, .	1	9	0	9	June 12, .	1	13	0	13
January 6, .	1	8	1	7	June 15, .	1	14	5	9
January 16, .	1	7	2	5	June 19, .	1	16	6	10
January 30, .	1	5	2	3	June 26, .	1	15	10	5
February 13, .	1	9	5	4	September 25, .	1	14	8	6
February 27, .	1	11	8	3					
March 6, .	1	12	2	10	Totals, .	32	410	166	244

Of the 166 certificates granted this year : —

52 passed on first examination.

39 " second "

29 " third "

18 " fourth "

13 " fifth "

8 passed on sixth examination.

5 " seventh "

1 " eighth "

1 " tenth "

**Fees for examination received for the year ending Sept. 30, 1906:—**

For first examination, 170 at \$5, . . . .	\$850 00	
For re-examination, 229 at \$3, . . . .	687 00	
For duplicate certificates, 4 at \$1, . . . .	4 00	
For reciprocal exchange, 2 at \$5, . . . .	10 00	
	<hr/>	\$1,551 00
Fees returned to applicants, upon their request		
not to be examined, 4 at \$5, . . . .	\$20 00	
Cash paid to State Treasurer, . . . .	1,531 00	
	<hr/>	\$1,551 00

**APPLICATIONS FOR CERTIFICATES.**

Applications received from Oct. 1, 1905, to March 1, 1906, to expire April 30, 1906, . . . . .		73
Certificates granted for sixth-class licenses, . . . .	56	
Certificates refused for sixth-class licenses, . . . .	17	
Applications received from March 1, 1906, to Oct. 1, 1906, to expire April 30, 1907, . . . . .		1,578
Certificates for sixth-class licenses granted, . . . .	1,221	
Certificates to sell on doctors' prescriptions granted, . . . . .	252	
Certificates for sixth-class licenses refused, . . . .	74	
Certificates to sell on doctors' prescriptions refused, . . . . .	15	
Applications pending action by the Board, . . . .	16	
	<hr/>	
Total number of applications for the year, . . . . .		1,651
Total number of certificates granted, . . . . .	1,529	
Total number of applications refused, . . . . .	106	
Total number of applications pending, . . . . .	16	
Total amount of fees received during the year, . . . .		\$1,651 00
Total amount paid to the State Treasurer, . . . . .	\$1,529 00	
Total amount returned to rejected applicants, . . . .	106 00	
Cash on hand, applications pending action, . . . .	16 00	

NOTE.—The druggists in several cities, having been granted certificates for sixth-class licenses, and having been denied licenses by the local authorities, applied for certificates from this Board to sell on doctors' prescriptions.

**CASH PAID INTO THE TREASURY.**

Fees for examination, . . . . .	\$1,531 00
Fees for for both classes of certificates of fitness, . . . .	1,529 00
	<hr/>
Total amount paid to Treasurer, . . . . .	\$3,060 00

## EXPENDITURES.

## Salaries of members :—

Henry Adams, president, . . . . .	\$500 00	
William F. Sawyer, secretary, . . . . .	1,000 00	
Fred A. Hubbard, . . . . .	300 00	
L. A. Lamson, . . . . .	300 00	
Charles N. Swift, . . . . .	300 00	
	<hr/>	\$2,400 00

## Expenses of members :—

Henry Adams, president, . . . . .	\$523 96	
William F. Sawyer, secretary, . . . . .	263 00	
Fred A. Hubbard, . . . . .	166 82	
L. A. Lamson, . . . . .	352 21	
Charles N. Swift, . . . . .	311 30	
	<hr/>	1,617 29

## Agent, salary and expenses :—

Joseph E. Buswell, salary, . . . . .	\$1,500 00	
Expenses, . . . . .	556 42	
	<hr/>	2,056 42

## Stenographer, witness fees, incidental and contingent expenses :—

Bessie B. Burroughs, . . . . .	\$976 67	
Wright & Potter Printing Company, . . . . .	112 89	
Postal supplies, . . . . .	137 43	
The E. L. Patch Company, . . . . .	50 23	
Gilman Brothers, . . . . .	75 76	
Whitall Tatum Company, . . . . .	69 51	
New England Telephone and Telegraph Company, . . . . .	20 72	
Press Clipping Bureau, . . . . .	17 70	
Old Corner Book Store, . . . . .	14 86	
J. L. Fairbanks & Co., . . . . .	13 35	
Henry W. Stone, . . . . .	25 95	
Prof. E. H. LaPierre, Massachusetts College of Pharmacy, . . . . .	26 24	
Innes, Vahey & Mansfield, . . . . .	25 00	
Wm. H. Bradford, . . . . .	13 00	
National Association of Boards of Pharmacy, . . . . .	10 00	
Dennison Manufacturing Company, . . . . .	5 30	
Sampson & Murdock Company, . . . . .	6 50	
Helen Pierce, . . . . .	3 50	
Pocket Manual Company, . . . . .	1 00	
Wm. W. Bartlett, . . . . .	1 00	
E. H. Dorr & Co., . . . . .	50	
Rotary Neostyle Company, . . . . .	2 25	
	<hr/>	
<i>Amounts carried forward,</i> . . . . .	\$1,609 36	\$6,073 71

*Amounts brought forward,* . . . . \$1,609 36    \$6,078 71

Stenographer, witness fees, incidental and contingent expenses — *Concluded.*

Clerk of courts, Norfolk County, . . . .	75	
J. L. Hammett Company, . . . .	6 90	
Samuel Ward Company, . . . .	1 80	
Witness fees, . . . .	6 40	
		1,625 21
		<hr/> \$7,698 92

NOTE. — The financial year of the State ends in November, while that of the Board ends in October.

#### DEATHS.

Auger, Leonide A., . . . .	Fall River.	Jellison, James M., . . . .	Boston.
Beedle, Charles H., . . . .	Lawrence.	McGarr, William L., . . . .	Malden.
Carpenter, Charles B., . . . .	Spencer.	Orne, Joel S., . . . .	Cambridge.
Carpenter, Luther D., . . . .	Hudson.	Rice, J. Allen, . . . .	Millford.
Cherry, James B., . . . .	Boston.	Sherburne, John W., . . . .	Lowell.
Dickins, Charlotte L., . . . .	Newburyport.	Sullivan, James J., . . . .	Springfield.
Donahoe, Charles W., . . . .	Boston.	Titus, Walter D., . . . .	Cambridge.
Holland, Henry, . . . .	Westfield.	Ware, Frank H., . . . .	Springfield.
Hydren, Carl, . . . .	Pittsfield.	Wesley, Charles M., . . . .	Boston.
Jefts, Ira P., . . . .	Boston.		

#### SUMMARY.

Meetings : —

For examination, . . . .	32
For hearings, business, etc., . . . .	29
	<hr/>
Total number of meetings for the year, . . . .	61

Hearings : —

On formal complaint, charge of aiding unregistered persons in conducting a pharmacy business, . . . .	11
On formal complaint, charge of violation of the liquor law, . . . .	10
On petitions for reinstatement as registered pharmacist after suspension by the Board, . . . .	9
With reference to applications for certificates of fitness, . . . .	170
	<hr/>
Total number of hearings for the year, . . . .	200

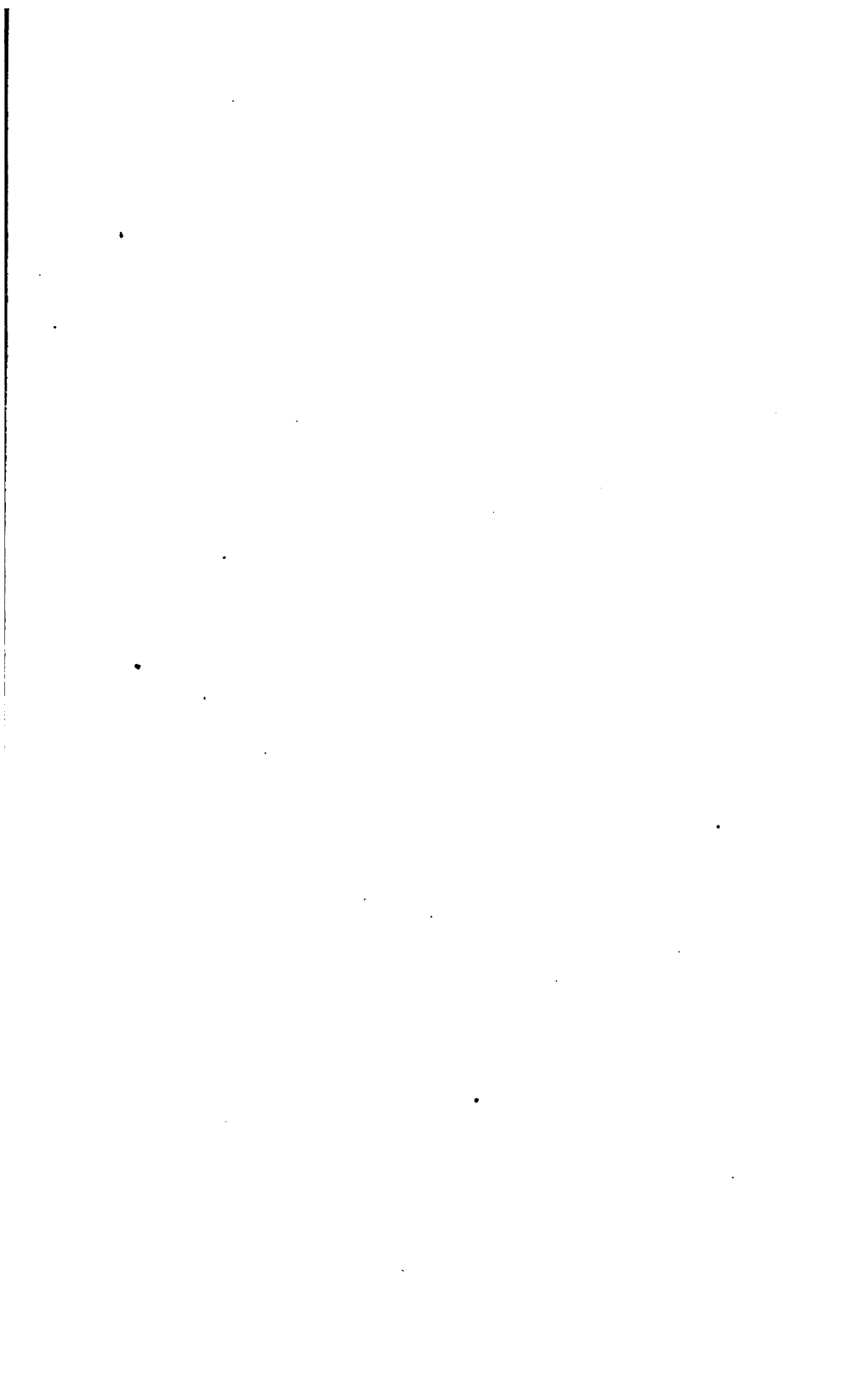
Results of hearings on formal complaint : —

Number of certificates suspended for five years, . . . .	1
Number of certificates suspended for three years, . . . .	1
Number of certificates suspended for two years, . . . .	1
Number of certificates suspended for one year, . . . .	2
Number of certificates suspended for six months, . . . .	4
Number of cases placed on file, . . . .	10
Number of cases continued, . . . .	2

**Miscellaneous:—**

Number of suspended pharmacists who were reinstated, . . . . .	9
Number of persons against whom formal complaints are pending, . . . . .	10
Amount of fines paid by druggists for violation of laws relating to pharmacy, . . . . .	\$1,900
Number imprisoned, . . . . .	2
New drug stores opened during the year, . . . . .	93
Number of drug stores closed through prosecution, . . . . .	19
Number of drug stores closed by reason of death, failure, etc., . . . . .	26
Number of drug stores in the State at the present time, . . . . .	1,563

WM. F. SAWYER,  
*Secretary.*



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**L A W S**

**RELATING TO**

**THE PRACTICE OF PHARMACY**

**IN**

**MASSACHUSETTS.**

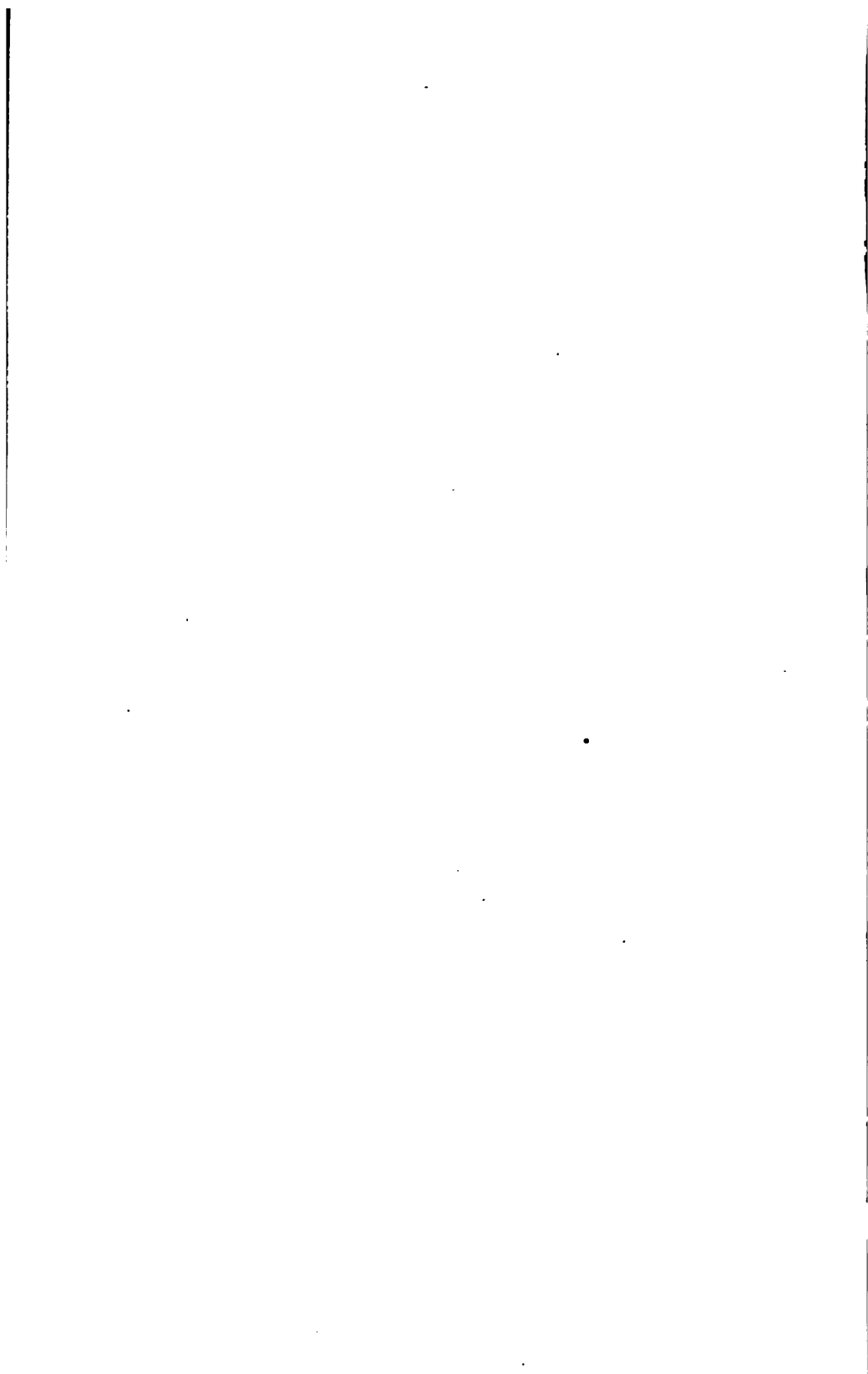
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**1906.**

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## LAWS RELATING TO PHARMACY.

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### CHAPTER 76, REVISED LAWS.

#### REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12. Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and travelling expenses shall be approved by the board and paid by the commonwealth. So much of the

receipts from examinations as may be necessary for the compensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquor; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a

copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

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CHAPTER 120, ACTS OF 1906.

AN ACT RELATIVE TO REGISTRATION IN PHARMACY.

*Be it enacted, etc., as follows:*

Section fourteen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "dollars", in the seventh line, the words:— The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of five dollars at the time of filing the application,— so as to read as follows:— *Section 14.* A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of five dollars at the time of filing the application. All fees received by the board shall be paid by its secretary into the treasury of the Commonwealth. *Approved March 1, 1906.*

## CHAPTER 100, REVISED LAWS.

## INTOXICATING LIQUORS, — DRUGGISTS AND APOTHECARIES.

SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or

chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

*Certificate.*

I wish to purchase.....  
and I certify that I am not a minor and that the same is to be used for  
\* Mechanical \* Chemical \* Medicinal purposes. [\* Draw a line  
through the words which do not indicate the purpose of the purchase.]

Signature .....

Cancelled .....

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

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CHAPTER 281, ACTS OF 1906.

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY REGISTERED PHARMACISTS.

*Be it enacted, etc., as follows:*

SECTION 1. In any city or town in which licenses for the sale of intoxicating liquors of the first five classes are not granted, registered pharmacists to whom a certificate of fitness has been issued as provided for by section two of this act, may sell intoxicating liquors upon the prescription of a registered physician practising in such city or town, provided that the prescription is dated, contains the name of the person prescribed for, and is signed by the physician. All such prescriptions shall be retained and kept on file in a separate book by the pharmacist filling the same, and shall not be filled a second time. Such prescription book shall be open at all times to the inspection provided for in section twenty-seven of chapter one hundred of the Revised Laws.

SECTION 2. The board of registration in pharmacy may, upon the payment by each applicant of a fee of not more than one dollar, issue to registered pharmacists certificates of fitness as provided for in section twenty-three of said chapter one hundred. Such certificates of fitness shall be subject to suspension or revocation by the board of registration in pharmacy, or by the licensing authorities of such cities and towns.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

*Approved April 14, 1906.*



## CHAPTER 100, REVISED LAWS.

## GRANTING OF LICENSES BY LOCAL BOARD.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

## CHAPTER 100, REVISED LAWS.

## CONDITIONS OF LICENSES.

SECTION 17. Each license shall be expressed, to be subject to the following conditions:—

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

## CHAPTER 100, REVISED LAWS.

## FORFEITURE OF LICENSE.

SECTION 47. The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, upon satisfactory proof that he has violated or permitted a violation of any condition thereof. The pendency of proceedings before a court of justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

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## CHAPTER 100, REVISED LAWS.

## TRANSFER OF LICENSES.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

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## CHAPTER 321, ACTS OF 1902.

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

*Be it enacted, etc., as follows:*

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended", in the fifth line, the words:— or revoked,— and by adding at the end thereof the words:— The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as jus-

tice shall require,—so as to read as follows:—*Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage.

*Approved April 18, 1902.*

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CHAPTER 327, ACTS OF 1902.

AN ACT RELATIVE TO CONDUCTING THE BUSINESS OF A DECEASED  
PHARMACIST BY HIS WIDOW, EXECUTOR OR ADMINIS-  
TRATOR.

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty-three of chapter seventy-six of the Revised Laws is hereby amended by adding at the end thereof the words:—who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder,—so as to read as follows:—*Section 23.* The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who

may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

SECTION 2. This act shall take effect upon its passage.

*Approved April 18, 1902.*

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CHAPTER 505, ACTS OF 1902.

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

*Be it enacted, etc., as follows:*

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the Commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine, before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two.

*Approved June 23, 1902.*

## CHAPTER 23, ACTS OF 1906.

## AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

For the salaries of the members of the board of registration in pharmacy, twenty-two hundred dollars.

For travelling and other expenses of the members of the board, a sum not exceeding thirteen hundred fifty-two dollars and eight cents.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-two hundred dollars.

For a stenographer, witness fees and incidental and contingent expenses of the board, the same to include the printing of the annual report, a sum not exceeding thirteen hundred and seventy-five dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved January 24, 1906.*

The following laws come under the jurisdiction of the State Board of Health:—

## CHAPTER 213, REVISED LAWS.

## OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum, viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name

and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

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CHAPTER 220, ACTS OF 1905.

AN ACT RELATIVE TO WOOD ALCOHOL.

*Be it enacted, etc., as follows:*

SECTION 1. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison", in black letters of uncondensed Gothic type not less than one-fourth of an inch in height. Whoever violates the provisions of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

SECTION 2. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

*Approved March 27, 1905.*

## CHAPTER 386, ACTS OF 1906.

## AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS.

*Be it enacted, etc., as follows:*

SECTION 1. Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol to an amount in excess of the amount shown to be necessary by the United States Pharmacopoeia or the National Formulary as a solvent or preservative of the active constituents of the drugs contained therein, shall be marked or inscribed a statement of the percentage of alcohol by volume contained therein; and the provisions of section nineteen of chapter seventy-five of the Revised Laws shall apply to the manner and form in which such statements shall be marked or inscribed.

SECTION 2. Every package, bottle or other receptacle holding any proprietary or patent medicine or any proprietary or patent food preparation shall bear a label containing a statement of the quantity of any opium, morphine, heroin or chloral-hydrate contained therein, provided that the package contains more than two grains of opium, or more than one fourth grain of morphine, or more than one sixteenth grain of heroin, or more than eight grains of chloral-hydrate in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce; and the provisions of section nineteen of chapter seventy-five of the Revised Laws shall apply to the manner and form in which such statements shall be marked or inscribed.

SECTION 3. It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange, any patent or proprietary medicine or article containing cocaine or any of its salts, or alpha or beta eucaine or any synthetic substitute of the aforesaid.

SECTION 4. It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange any cocaine or alpha or beta eucaine or any synthetic substitute of the aforesaid, or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the Commonwealth; the original of which prescription shall be retained by the druggist filling the same and shall not again be filled.

SECTION 5. The provisions of sections three and four shall not apply to sales at wholesale made to retail druggists or dental depots nor to sales made to physicians, dentists or regularly incorporated hospitals.

SECTION 6. Whoever manufactures, sells or offers for sale any medicine or food preparation in violation of the provisions of this act shall be punished by a fine of not less than five nor more than one hundred dollars. It shall be the duty of the state board of health to cause the prosecution of all persons violating the provisions of this act; but no prosecution shall be brought for the sale at retail, or for the gift or exchange of any patent or proprietary medicine or food preparation containing any drug or preparation the sale of which is prohibited or restricted as aforesaid, unless the said board has, prior to such sale, gift or exchange, given public notice in such trade journals or newspapers as it may select that the gift, exchange or sale at retail of the said medicine or food preparation would be contrary to law.

SECTION 7. This act shall take effect on the first day of September in the year nineteen hundred and six.

*Approved May 11, 1906.*









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TWENTY-SECOND ANNUAL REPORT  
OF THE  
MASSACHUSETTS  
BOARD OF REGISTRATION IN PHARMACY,  
FOR THE  
YEAR ENDING SEPTEMBER 30, 1907.



BOSTON:  
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
18 POST OFFICE SQUARE.  
1908.



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**APPROVED BY**  
**THE STATE BOARD OF PUBLICATION.**

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*Whereas,* The retiring member of this Board, William F. Sawyer of Boston, has for the past five years served the State with credit to himself and benefit to the cause of pharmacy, we, the remaining members of the Board, desire to express our appreciation of the valuable services rendered by Mr. Sawyer. His sterling character and conscientious endeavor to do his duty will forever leave an impression on this Board in future deliberations.

*Therefore be it Resolved,* That these resolutions be spread upon the records of this Board, also that a copy of this resolution be sent to Mr. Sawyer.

FRED A. HUBBARD.

L. A. LAMSON.

ERNST O. ENGSTROM.

CHARLES F. RIPLEY.